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1876

LAWS OF WISCONSIN

RELATING TO

COMMON SCHOOLS,

INCLUDING THE

TOWNSHIP AND FREE HIGH-SCHOOL LAW.

*Prepared and Published in Pursuance of Law*

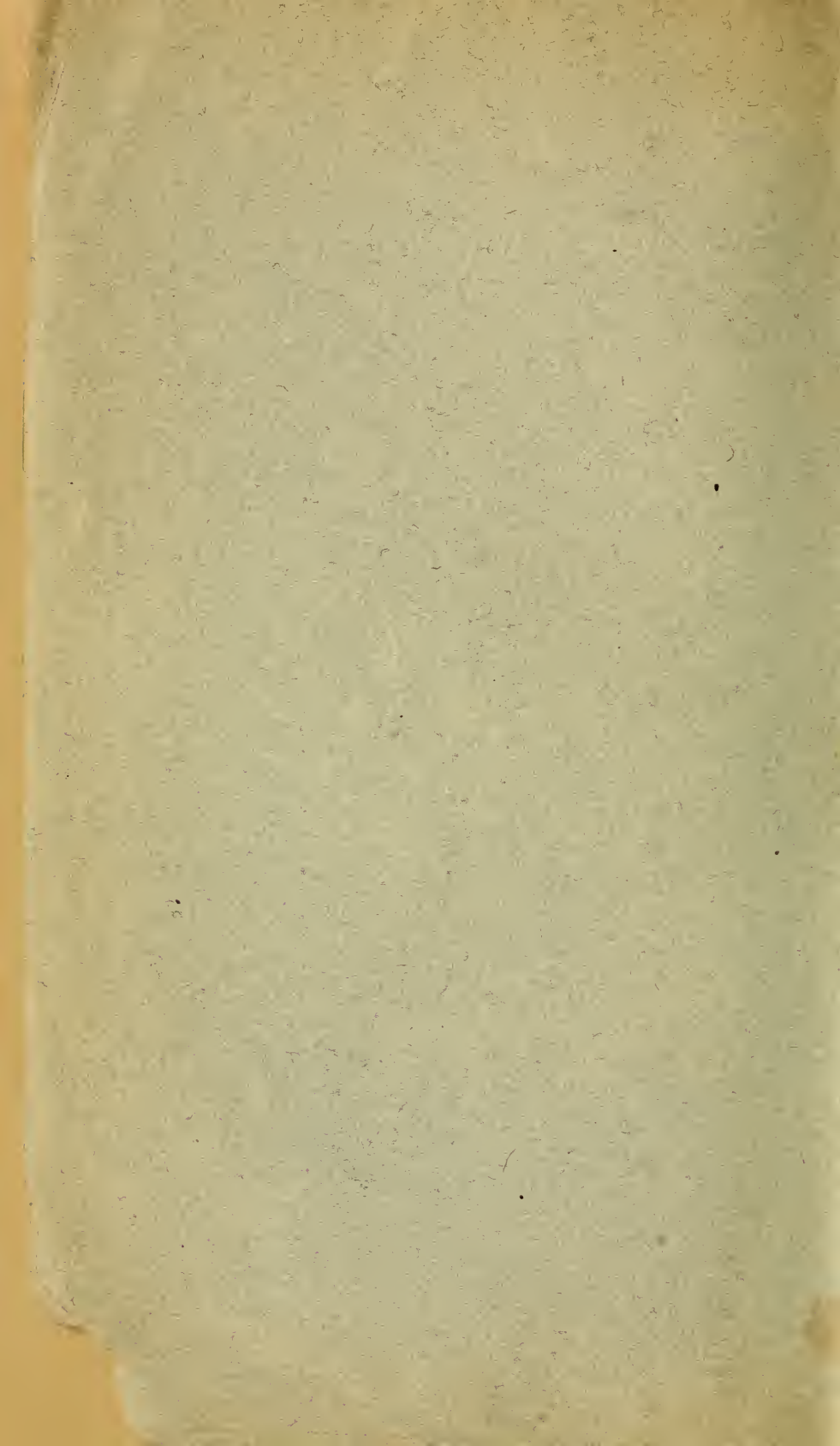
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MADISON, WIS.:  
E. B. BOLENS, STATE PRINTER.

1876.



R. W. H. Apr. 12/17

TO SCHOOL OFFICERS.

This volume is public property, and belongs to the school-district to which it is sent. It is to be kept by the district clerk, but may be delivered by him to any voter of the district, to be retained not exceeding five days. If an annual, special or adjourned meeting is to take place within ten days, this book must not be loaned to any person, but must be retained by the clerk, and produced by him at such meeting for consultation by the voters.

In like manner it is to be kept by each town clerk to whom it may be sent, for his official use, and that of the board of supervisors.

When sent to any school officer, he holds it only in his official capacity, and it must be carefully preserved and handed over to his successor in office.

OFFICE SUPERINTENDENT PUBLIC INSTRUCTION,

MADISON, July, 1876.

This volume contains the School Code with such amendments as have been made up to the present time, and such miscellaneous laws as relate especially to our common schools, including the Township Law and the Free High School Law. Laws relating to the normal schools, the university and some other matters, are omitted; also the school-house plans.

Only a limited number of copies of this edition of the Code have been printed, to supply temporary demand, it being supposed that a large and full edition of the School Laws will be called for as soon as the revisers of the statutes have completed that part of their work, and the legislature has passed upon it, which it is hoped may be early in the next session.

EDWARD SEARING,  
*Superintendent of Public Instruction.*

LAWS RELATING  
TO  
COMMON SCHOOLS.

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CHAPTER 155, GENERAL LAWS OF 1863.

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FORMATION OF SCHOOL-DISTRICTS.

SECTION 1.\* The board of supervisors in each town in this State shall have power to form and alter school-districts in the manner hereinafter set forth: *provided*, that no school-district can or shall embrace more than thirty-six square miles of land.

The size of school-districts cannot be more than thirty-six square miles, or sections, (twenty-three thousand and forty acres). A district, however, may be of any convenient shape, provided it does not embrace more territory than the law allows; and it is always desirable to have it as large as a due regard to the distance to be traveled to reach the school-house will warrant, but it should be as compact in form as the natural features of the country will permit, and should be composed of contiguous territory. The restriction as to size, does not apply to districts formed previous to the amendment of this section in 1863.

SECTION 2. The formation of a school-district shall be by written order of the board of supervisors, describing the territory embraced in such district, which order shall be filed with the town clerk, and it shall be the duty of the supervisors, within twenty

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\* See chapter 50, general laws of 1863.

days thereafter, to deliver to a taxable inhabitant of the district, a notice in writing, describing its boundaries and appointing a time and place for the first district meeting.

The order for forming or altering a school-district should be so complete and definite in its terms that a surveyor, at any future day, may be able to run its boundaries without reference to any other document. Hence, districts should be described by government surveys ; but, if necessary, exterior lines may be defined by reference to natural features, such as rivers, creeks, marked trees, etc., or to highways or town lines. An indefinite designation of a certain piece of land, or quarter section, as the site, is not sufficient. As a school district consists of *territory* and not *persons*, the territory should be so described that a change of ownership will not require a change in that description.\*

A taxable inhabitant is one who is liable to pay a tax, although no tax may have been assessed upon him. The time for holding the first meeting should not be fixed upon a day earlier than that upon which the order forming the district goes into effect. In case a new district is formed out of the territory taken from an old one, the order does not go into effect until three months after it is made, without the consent of the majority of the board of the district from which such territory was taken. It should be distinctly understood that nothing can be done towards actually organizing a new district, beyond the giving of the notice for the first meeting, until the order of formation takes effect ; and other districts from which territory may be taken remain precisely as they were, until that time. In the case of a joint district, the order of formation, and the notice for the first meeting, must be signed by a majority of the supervisors of each of the towns in which a part of said joint district is situated, and the order must have been passed at a joint meeting of all the boards.†

The legal organization of a district requires that all orders relating to the action of the supervisors in forming it, shall be recorded in the offices of the clerks of all the towns in which any part of such district is situated.

The formation of joint districts should be avoided, except in those cases in which there are strong reasons for organizing them.

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\* See form No 1.

† See form No. 2.



SECTION 3. The supervisors shall, in such notice, direct such inhabitant to notify every qualified voter of the district, either personally or by leaving a written notice at his place of residence, of the time and place of such meeting, at least five days before the time appointed therefor; and it shall be the duty of such inhabitant to notify the voters of such district, agreeably to the requirements of said notice, and indorse thereon a return containing the names of the persons by him notified; and said notice and return shall be recorded as a part of the record of the first meeting in such district.

The notice should be read in the hearing of each voter, but when this is impracticable, a copy of the notice left at his residence will answer the requirements of the law.\* The notice should be given to every inhabitant having any pretensions to a right to vote. The notice does not determine the right of voting, and hence, whether the person giving the notice considers another qualified or not is of no importance.

The return of the person directed to give the notice should be indorsed upon the notice and signed by the person making it. It should be produced at the meeting and filed with the records of the district. It is not the only evidence, however, of the legality of the proceedings of the meeting. In its absence, secondary evidence might establish the *facts* upon which the legality of the meeting depends.

In computing statute time, the first day, or the day on which the time begins to run, is to be excluded. The notice should therefore be given as early as the sixth day before the meeting, and both the time and manner in which it is given should be clearly set forth in the return. The supreme court of Massachusetts, in regard to a similar notice, says: "When the selectmen direct a warrant for calling a school-district meeting, to a proper person, he is made a returning officer for that occasion. All returning officers are ministerial, and are bound to set forth in their returns all the acts done by them, that the proper tribunal may judge of their sufficiency. They are not competent to judge of the legality of a notice or service; and a return that a precept had been *legally* served, or that the duty enjoined by the warrant had been duly performed, would most clearly be insufficient."

SECTION 4. In case such notice shall not be given, or the inhabi-

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\* See form No. 3.

tants of a district shall neglect or refuse to assemble or form a district meeting when so notified, or in case any school-district having been formed or organized shall afterwards be dissolved, so that no competent authority shall exist therein to call a special meeting in the manner hereinafter provided, notice shall be given by the town supervisors, and served in the manner prescribed in the preceding section.\*

The power of the supervisors to call a meeting after a district has been organized by the election of officers, is limited, so far as this section is concerned, to the case of no authority existing to call a meeting therein. If the offices of a district have all become vacant, it is the duty of the supervisors to call a meeting, as provided in section three. If a district neglects for two years to maintain a school, the town board must extinguish it. (See Sec. 16.)

SECTION 5. Whenever a district meeting shall be called in the manner prescribed in the preceding section of this chapter, it shall be the duty of the electors of the district to assemble at the time and place mentioned in such section.

The "electors of the district" are such persons as are qualified to vote at a general election for State and county officers, and who reside in the district. (See Sec. 8.)

It is the duty of all electors to attend the district meetings; but the acts of those who assemble are valid and binding upon those who neglect to perform their duty. It is also the duty of those who may have received no formal notice of a district meeting to attend the same, if they have learned the time and place at which it is to be held. An unintentional neglect to give notice to some of those entitled to receive it will not invalidate the proceedings. They may, however, be set aside on appeal, if sufficient cause can be shown.

SECTION 6. Every school-district shall be deemed duly organized when any two of the officers elected at the first legal meeting thereof shall have consented to serve in the offices to which they have been respectively elected, by a written acceptance thereof, filed with the clerk and recorded by him; and every school-district shall be considered as legally organized, after it shall have exercised the franchises and privileges of a district for the term of two years.

The first business, after the district meeting is organized, is the election of officers. The reason for this is, that none but organ-

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\*See form No. 6.

ized districts can transact business, and no district is fully organized until it has officers. The written acceptance of the trust is evidence that the officers elected will serve. These acceptances should be made a part of the records of the meeting. In case they cannot be obtained within a reasonable time, the meeting may adjourn to some certain time sufficient for procuring them. The time for which the meeting adjourns must not be greater than a month. No notice for an adjourned meeting is required, unless the adjournment is for a longer period than one month. A meeting may order its clerk to give notice of an adjourned meeting, in order to secure a full attendance of the electors; but any neglect to execute such order would not invalidate the proceedings of such adjourned meeting. If the persons elected refuse at the time to serve, the meeting may proceed to elect others. All the powers conferred by law upon the voters at an annual meeting, are possessed and may be exercised by them at the first meeting.

Every district having exercised the powers and enjoyed the privileges of a school-district for two years, is held to be legally organized, notwithstanding any informality of proceeding in its organization. Until its organization is set aside by competent authority, it is the duty of its officers to comply with all the requirements of the school-law. It is sufficient for them to know that it is a district *de facto*. After two years have elapsed, its organization cannot be set aside on account of any alleged informality by any person or officer.

#### CORPORATE POWERS OF SCHOOL-DISTRICTS.

SECTION 7. Every school-district organized in pursuance of this chapter, or which has been organized under any previous law of the State or Territory of Wisconsin, shall be a body corporate and shall possess the usual powers of a corporation for public purposes, by the name and style of "school-district number —," (*such number as shall be designated by the town supervisors in the formation thereof,*) "of —," (*the name of the town or towns in which the district is situated.*) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding such real and personal estate as is authorized to be purchased by the provisions of this chapter, and of selling the same.

All contracts made with a school-district; all suits brought by the district, and all writings in which a district is party, require that the name of the district should be mentioned: *e. g.*, school-

*district number four, town of Lincoln, Polk county.* When district officers are specifically empowered by law to act, their names may be mentioned. The district, as a corporate body, has perpetual succession and existence by its corporate name, and may hold real and personal estate for its corporate purposes. It is a body created by law, and is wholly distinct from the individuals that may from time to time compose it. A school-district does not become dissolved, or lose any of its rights, or become discharged of its obligations by a change of its name, number or boundaries or by becoming a joint-district. (School-district No. 3, vs. Macloon, 4 W. R., 79.)

#### QUALIFICATIONS OF VOTERS.

SECTION 8.\* Every person shall be entitled to vote in any school-district meeting of this State, who is qualified to vote at a general election for State and county officers, and who is a resident of such school-district.

The qualifications of voters at a general election are declared by chapter 7, of the revised statutes, as amended by chapter 47, of the general laws of 1861, or Taylor's Statutes, chapter 7, to be as follows:

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State for one year next preceding any election, shall be deemed a qualified voter at such election:

1. White citizens of the United States.
2. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.
3. Persons of Indian blood, who have once been declared by law of Congress to be citizens of the United States, any subsequent law of Congress to the contrary notwithstanding.
4. Civilized persons of Indian descent, not members of any tribe.

SECTION 2. No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights; nor shall any person who, being an inhabitant of this State, may hereafter be engaged, directly or indirectly in a duel, either as principal or accessory, be permitted to vote at any election; nor shall any person who shall have made or become directly or indirectly interested in any bet or wager, depending upon the result of any election at which he shall offer to vote, be permitted

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\*See chapter 174, general laws of 1872.

to vote at such election. Nor shall any person be deemed to have gained a residence in any town or ward in this State, so as to entitle him to vote at any election in such town or ward, by remaining in such town or ward as a pauper, supported by the town or county in which he shall be living at the time of such election ; and no person shall be deemed to have lost his residence in any town or ward by remaining in any other town or ward as such pauper.

The right of suffrage was extended to male colored inhabitants of this State over twenty-one years of age in 1849.

The question of residence is important, with respect to the right of voting, holding district offices, and enumeration of pupils.

*Inhabitancy* and *residence* do not mean precisely the same thing as *domicil*, when the latter term is applied to successions to personal estate, but they mean a fixed and permanent abode or dwelling place for the time being, as contra-distinguished from a *mere temporary locality* of existence. (S Wendell, N. Y. R., 140.)

Actual residence is not indispensable to retaining a domicil, but it is retained by the absence of any present intention of removing therefrom, as well as by the intention not to change it or adopt another. An intention to remove does not affect the domicil, unless such intention is carried into effect. The rule is that a domicil once acquired remains until a new one is acquired. The law supposes every person to have a domicil somewhere; and he can have only one domicil at one and the same time. In determining the domicil it is held, (23 Pickering, Mass. R., 178) that "the place of a man's dwelling-house is first regarded, in contra-distinction to any place of business, trade, or occupation. If he has more than one dwelling-house, that in which he sleeps or passes his nights, if it can be distinguished, will govern. And if the dwelling-house is partly in one place and partly in another, the occupant must be deemed to dwell in that town in which he habitually sleeps, if it can be ascertained."

Section 30, of chapter 7, of the revised statutes, as amended by chapter 471, of the general laws of 1864, provides the following rules for governing inspectors in determining the residence of electors.

SECTION 30. The inspectors of election in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

*First.* That place shall be considered and held to be the residence

of a person, in which his habitation is fixed without any present intention of removing therefrom, and to which whenever he is absent, he has the intention of returning.

*Second.* A person shall not be considered or held to have lost his residence, who shall leave his home and go into another State, or county, town or ward of this State for temporary purposes merely, with an intention of returning.

*Third.* A person shall not be considered to have gained a residence in any county, town or ward of this State, into which he shall have come for temporary purposes merely.

*Fourth.* If a person remove to another State with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this State.

*Fifth.* If a person remove to another State with the intention of remaining there an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this State, notwithstanding he may entertain an intention to return at some future period.

*Sixth.* The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

*Seventh.* If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be the place of his residence.

*Eighth.* The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without intention.

*Ninth.* If a person shall go into another State, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this State.

#### CHALLENGING VOTES.

SECTION 9.\* If any person offering to vote at a school-district meeting shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting shall declare to the person challenged the qualifications of a voter; and if such person shall declare that he is a voter, and if such challenge shall not be withdrawn, the chairman shall tender him the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that you are an actual resident of this school district, and that you are qualified according to law to vote at this meeting." And every person taking such oath or affirmation, shall be permitted to vote on all questions proposed at such meeting; but if the person shall refuse to take such oath or affirmation, his vote shall be rejected.

The following will aid in determining the "qualifications of a

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\*See chapter 174, general laws of 1872, section 2.

voter," although the chairman of a district meeting cannot require the person challenged to answer the questions, under oath. This power is vested only in inspectors of elections. Section 34, of chapter 7, of the revised statutes, as amended by section 1, of chapter 30, general laws of 1866, prescribes the duties of inspectors of election in case a person offering a vote is challenged:

SECTION 34. If a person offering to vote is challenged as unqualified by any elector, or by one of the inspectors of the election, one of the inspectors shall tender to him the following oath or affirmation: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election.

*First.* If the person be challenged as unqualified on the ground that he is not a citizen, and has not declared his intention to become a citizen, the inspectors, or one of them, shall put the following questions:

1. Are you a citizen of the United States? If no, then—
2. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States?
3. When and where did you declare your intention to become a citizen of the United States?

*Second.* If the person be challenged as unqualified on the ground that he has not resided in this State for one year immediately preceding the election, the inspectors, or one of them, shall put the following questions:

1. How long have you resided in this State immediately preceding this election?
2. Have you been absent from this State within the year immediately preceding this election? If yes, then—
3. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?
4. What State or Territory did you regard as your home while absent?
5. Did you, while absent, vote in any other State or Territory?

*Third.* If the person be challenged as unqualified on the ground that he is not a resident of the county, town, or ward where he offers his vote, the inspectors, or one of them, shall put the following questions.

1. When did you last come into this county, town, or ward?
2. Did you come for a temporary purpose merely, or for the purpose of making it your home?
3. Did you come into this county for the purpose of voting in this county?
4. Are you now an actual resident of this county or ward, and what is the particular description, name, and location of your place of residence?

*Fourth.* If the person be challenged as unqualified on the ground that he is not twenty-one years of age, the inspectors or one of them, shall put the following questions:

1. Are you twenty-one years of age to the best of your knowledge and belief?

The interrogatories which may be addressed to a person challenged as a deserter, are omitted, as it is held that the disability to vote arising from this cause does not apply to town and school-district meetings.

The inspectors of election, or one of them, shall put all other questions to the persons challenged, under the respective heads aforesaid, as may be necessary to test his qualifications as an elector at that election.

If a person who is unqualified is allowed to vote without being challenged, those objecting to the proceedings must show that they did not know him to be unqualified. A challenge should be interposed at the first instance in which such person offers his vote, for it is not just for one to avail himself of a vote so long as it is cast so as to carry out his views, and then be permitted to object when the voter differs with the challenger.

The chairman of a district meeting has no right, under the statute, to prohibit from voting any male person who takes the oath required by law. It will, however, be competent for the Superintendent of Public Instruction to correct and set aside all proceedings carried by votes clearly illegal, if the result depends upon them. It is the duty of the chairman of the district meeting to permit any person challenged, to take the oath required by law, and a refusal on his part to perform this duty will be considered good ground for setting aside the proceedings of the meeting.

Proceedings will not be set aside on account of illegal votes, unless a different result would have followed the exclusion of such votes. "The mere circumstance that improper votes are received at an election will not vitiate it. The fact should be shown affirmatively, that a sufficient number of improper votes was received for the successful ticket, to reduce it to a minority if they had been rejected; or the election shall stand." (7 Cowan, N. Y.)

If the nominee for chairman is challenged, the person making the nomination usually acts as temporary chairman, and should require the person challenged to take the oath prescribed by the statute.



## ALTERATION OF SCHOOL-DISTRICTS.

SECTION 10. Whenever the town supervisors shall contemplate an alteration of the boundaries of a school-district, they shall give at least five days' notice in writing to the clerk of the district or districts to be affected thereby, stating in such notice the time and place, when and where, they will be present to hear and decide upon such proposed alteration; and it shall be the duty of such clerk or clerks, immediately to notify the other members of the board.\*

A district should, when practicable, embrace wealth and population sufficient to sustain a good school without resorting to burdensome taxation. The common desire for small districts should not be gratified at the expense of the welfare of the school. It is better that children should travel two or even three miles to attend a good school, than half a mile to attend a poor one.

A written admission of service of the notice required by law, on the return of the person serving the notice, should be annexed to every order of alteration, and filed with it in the office of the town clerk, so that a complete history of the transaction may be preserved.

Great care should be exercised in giving the preliminary notices of alterations proposed, as the want of this may render the proceedings of the supervisors illegal, and lead to an appeal.

SECTION 11.† In all cases where an alteration of the boundaries of a school-district shall be made, the town supervisors shall, within three days thereafter, give notice thereof by filing a copy of the order so altering the same with the town clerk, and with the clerk of the district or districts affected by such alteration; and no alteration of any school-district made without the consent of a majority of the district board, indorsed on such order, shall take effect until three months after notice given, as above specified, unless such alteration is made in compliance with the order of the State Superintendent of Public Instruction, given in the decision of an appeal regularly taken; nor shall any alteration of an organized district be made to take effect between the first day of December in any one year and the first day of April following.

Delay in giving the notice required in this section does not render the previous action of the supervisors illegal, as it is merely matter of information of an act done; nevertheless, the notice should be promptly given.

Copies of all orders making alterations in joint districts must be

\*See form No. 8.

† See chapter 108, general laws 1868. See Form No. 9.

filed in the offices of the clerks of those towns of which the districts altered constitute a part, even though such alterations may not affect persons residing in all the towns where such copies are filed. If unoccupied territory is taken from one district and attached to another in a different town, the order signed by a majority of the supervisors of each of the towns, must be recorded in both. Unless such record is made, the supervisors of one town are unable to know the boundaries of a joint district without consulting the records of another town in which they have no control.

Usually the action of the supervisors will be based upon petition, but there is nothing in the law forbidding them to act without, when in their judgment the interests of education require it. It is their duty to make such alterations as will best promote the welfare of the public schools, even though not asked to do it. As a general rule, however, they will seek to *consolidate* rather than to divide districts, to make them as large as practicable, and to avoid joint districts, unless very necessary.

The order of alteration is an official act, and must result from a resolution of a majority of the board, adopted at a meeting at which all are present, or of which all have been notified. A due sense of propriety, however, will lead a supervisor having a personal interest in any proposed alteration of a district to avoid acting in that case. It is better that the other members of the board should decide it without his presence. At the same time it is not illegal for him to be present and vote, and proceedings cannot be set aside on appeal on this account.

When a district is formed, wholly or in part, out of territory comprised in districts already organized, and the district board of any district from which a portion of the territory embraced in the new district is taken, refuse to consent to the alteration, the order of the supervisors does not take effect till three months after it is issued, and they are not obliged to deliver the notice to a taxable inhabitant, calling the first meeting of the voters of the new district, till twenty days after said order takes effect; but such notice may be given at any time after the order is issued, provided that it does not call the meeting until the three months have expired, as *no action* can be taken by the voters of the new district until the order of formation takes effect, for the reason that before that time *there is no new district*, and the people and territory retain the same

condition and sustain the same relations that they did before the order forming the new district was issued. These remarks apply also to cases in which new districts are formed between the first day of December and the first day of April following. No action can be taken for organization till the time expires.

#### DIVISION OF PROPERTY.

SECTION 12. When a new district is formed, in whole or in part from one or more districts possessed of a school-house or entitled to other property, the town supervisors, at the time of forming such new district, shall ascertain and determine the proportion of the value of the school-house and other property justly due to such new district.

SECTION 13. Such proportion shall be ascertained and determined according to the value of the taxable property of the respective parts of such former district at the time of the division, by the best evidence within the reach of the town supervisors; and such amount of any debt due from the former district, which would have been a charge upon the new, had it remained in the former district, shall be deducted from such proportion.

SECTION 14. The supervisors shall certify to the district clerk of the district retaining the school-house or other property, the amount ascertained by them as the proportion to be paid to the new district, and such amount shall be embodied in the statement of taxes required by section sixty-two of this chapter to be made by the district clerk to the town clerk, on the first Monday in November, in each year, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school-house for such district; and the money so paid to the new district shall be allowed to the credit of the taxable property taken from the former district in reduction of any tax that may be imposed on said taxable property in the new district for the building of a school-house; *provided*, that in case the new district shall have raised a tax and erected or provided for itself a school-house, before the former district shall have raised and paid over to the treasurer of the new district the amount in this section provided to be raised and paid over, it shall be the duty of the treasurer of the new district, in whose hands said amount so paid over, may at any time remain, to pay over, on demand, the sum so paid him or his predecessor by the former district, to the individual to whose credit the same would have gone had said sum been raised and paid over by the former district before the said school-house was erected or provided by the new district; and should such treasurer refuse, on demand by any party entitled thereto, to pay over to him his just proportion of said amount, the same may be collected in a suit at law by said party, upon the official bond of said treasurer.\*

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\* See form No. 10.

These three sections have reference to cases in which *new* districts are formed from territory detached from districts possessed of a school-house or other property. When territory is taken from one district and attached to another, no claim will lie against the old district on account of property. The gain is held to be equal to the loss in the transfer.

By "property" is meant lands, tenements, hereditaments, money, goods, chattels, things in action and evidences of debt.

The appraisal and award should be made at the time of the formation of the new district; but if this duty is neglected by the supervisors, the claims growing out of their action may be collected at any time thereafter.

No vote of the old district is required to raise the amount to which the new district becomes entitled to under the action contemplated by section twelve. This tax cannot be collected as a special district tax.

In case the new district shall decide to build a school house and shall raise a tax for this purpose, the law provides that the amount paid by the old district, shall be paid to the persons liable to be taxed, residing in that part of the new district formerly belonging to the old, so as to equal the abatement that would have been made in the tax levied upon the property of such persons, had the tax contemplated by section fourteen, been raised and paid over, before the school-house tax for the new district was levied.

The money raised by the old district and paid over according to law, must be exclusively applied to procuring a school-house for the new district.

#### FORMATION OF JOINT DISTRICTS.

SECTION 15. Whenever it shall be necessary to form a new district from two or more adjoining towns, the supervisors of such adjoining towns shall meet together, and form such district, and deliver the notice of formation to a taxable inhabitant of such district, whose duty it shall be to serve such notice as provided in the third section of this chapter; and any district so formed may be altered or regulated by the joint action of the supervisors of all the towns forming such district, in the same manner that other districts are altered and regulated.

The law requires, in special terms, that the supervisors of all towns to be affected by any contemplated action shall meet togeth-

er. This is necessary in order to secure the deliberation required. An order forming a joint district must be signed by a majority of the supervisors of each of the towns in which any part of said district is situated. If a joint district is to be altered so as to form a new district, the order dissolving the old district must be signed by a majority of the supervisors of each of the towns affected, and the order forming the new district must also be signed by a majority of the supervisors of each town that contains a part of said new district.

If it is more convenient to make the order of dissolution and of formation one and the same, it will be valid if it bears the signatures that each part of the work requires. The fact that a paper bears signatures not required does not invalidate it, if it has those which the law requires. The same rule applies to orders of appraisal of property, that holds in respect to orders of alteration. All notices of time and place of meeting to hear and determine upon the alteration of joint districts must bear the signatures of a majority of the supervisors of each of the towns interested in the proposed alteration.\*

#### ALTERATIONS OF JOINT DISTRICTS IN VILLAGES.

(Chapter 82—General Laws of 1872.)

SECTION 1. The county board of supervisors of the several counties of this State are hereby authorized and empowered to alter the boundaries of any joint school-district in this State which is in part composed of an incorporated village, and the boundaries of which are fixed by the village charter; *provided*, that no such alteration shall be made except on petition of not less than twenty-five of the legal voters resident in said joint district; *and provided further*, that no order shall be made by any county board changing the boundaries of any such joint district until notice of the time and place of hearing such petition shall have been published at least three weeks in a newspaper published in said county, and if there be no newspaper published in such county, such notice shall be posted not less than three weeks in three conspicuous places in said joint district, and upon such hearing, opportunity shall be given to all opposed to such proposed alteration, to be heard in opposition thereto.

SECTION 2. An appeal may be taken by any three legal voters, resident in said joint district, to the State Superintendent of Public Instruction from any order of any county board altering the boundaries of any joint school-district under the provisions of this act. Such appeals shall be made, heard, and determined in the

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\* See Forms Nos. 2, 3, 4, and 5.

same manner as appeals now made, heard, and determined from school-district boards, and the decision of the State Superintendent upon such appeal shall be final.

SECTION 3. All acts and parts of acts, conflicting with or in any manner contravening the provisions of this act, are hereby repealed.

The only case in which a county board will act in the alteration of the boundaries of a joint school-district, is when such district "is in part composed of an incorporated village," and where the boundaries of such district "are fixed by the village charter." This is the proper construction of the law.

#### EXTINGUISHMENT OF DISTRICTS.

SECTION 16.\* Whenever any school-district shall, for two successive years, neglect to maintain a public school as required by law, it shall be the duty of the supervisors of the town containing the district, to attach said district to such other adjoining district or districts in the town as they shall judge proper, and if the district be a joint district, then the supervisors of the several towns embracing parts thereof shall dissolve such joint district, and immediately proceed to attach the several parts thereof to other districts in their respective towns, as hereinbefore provided. And whenever any district shall become extinguished by reason of the attachment of its territory to some other district or districts, the supervisors of the town or towns embracing such district shall take charge of the property belonging to the same, at the time of its extinguishment, dispose of the same by grant or otherwise, and apply the proceeds to the discharge of its debts, paying over the remainder, if any, to the treasurer of the district to which the territory has been attached, in proportion to the valuation of the property attached to each, as appears from the last assessment-roll of the town or towns.

It will be seen from this section that it is the duty of the supervisors to extinguish such districts as fail to maintain a school for two years. The mere failure to elect officers does not extinguish the district. Its organization may be restored by the action of the supervisors, as provided in section 4. The supervisors have power to extinguish a district, by attaching the territory to other districts, although it may not fail to maintain a school, if they judge it expedient. If two districts are consolidated, the public money which either may have in the hands of the town treasurer, or in the hands of its own treasurer, unexpended, becomes applicable to the pay-

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\* See chapter 56, general laws 1873, and chapter 83, general laws 1874.

ment of teacher's wages in the consolidated district. If there is any money due to a teacher of either of the districts consolidated, it should be drawn before the order of consolidation takes effect.

A district is extinguished only when its parts are attached to other districts so that no part of the original district remains. If any part of it remains as a distinct district, although its name and number may be changed, it is not extinguished in the sense contemplated by law. (See remark at the close of the comment on section 7.)

In case a joint district is extinguished, the supervisors of the towns in which the different parts of such district are situated, should unite in the sale of all the property, and in executing the deeds of the real estate.

If the supervisors proceed to sell any property formerly belonging to a district that has become extinguished, they should require cash payment, and should give notice that a condition of the sale is the full payment within a limited number of hours—and that if such payment is not made, the property will be offered again for sale without further notice. All conditions of sale should be mentioned in the posted notices.

The supervisors are first to apply the proceeds of the sales to the payment of the debts of the district extinguished. These debts must be ascertained from the district board of such district, and no money should be paid except upon a written order of a majority of the district board. If debts are claimed which a majority of the district board will not admit, the amount thus claimed may be retained by the supervisors, until the legal proceedings commenced for the collection of the same shall have been concluded.

The last assessment-roll is that upon which a tax has been or may be legally raised, and should be made the basis for the apportionment of the balance of money remaining after all the debts of a extinguished district are paid. In case there is an unexpended tax found in the hands of the treasurer of the extinguished district, the equitable mode of distribution would seem to be to pay over to the treasurers of the district to which the territory has been attached, the proportionate amount contributed by such territory. If, however, there is found belonging to the extinguished district money derived from the town tax for schools, or from the income

of the common school fund, such money should be distributed to the districts in proportion to the number of children over four and under twenty years of age, residing in the parts annexed to them respectively.

Though the statute specifies no time within which the supervisors are required to dispose of the property of an extinguished district, there can be no valid reason for any longer delay than is necessary to ascertain the outstanding liabilities. If pending litigation puts it out of their power to act immediately, they should improve the earliest favorable opportunity to settle the affairs of the district.

#### ANNUAL SCHOOL MEETING.

SECTION 17. The annual meeting of each school-district shall be held on the last Monday of September in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last previous annual meeting; *provided*, that at any annual meeting of a school-district, held after the passage of this act, a majority of the electors present may determine that the annual meeting of such district be held on the last Monday of August, in each year, said determination to take effect when a copy of the proceedings of said annual meeting in reference to such change shall have been filed with the town clerk of the town in which said district, or (in case of a joint district,) in which the school-house of such district is situated, and to remain in force until rescinded by a vote of a majority of the electors of said district, present at a legal meeting; the meeting held in pursuance of such determination to be deemed the legal annual meeting of said district, the same as if held on the last Monday of September, in each year.

By vote of the district at any annual meeting, the day for holding said meeting may be changed from the last Monday of September to the last Monday of August. It is desirable that this change should be made, in order that the report of the clerk and treasurer may be laid before the people previously to the time for making the annual report to the town clerk. The change cannot take effect until a copy of the proceedings is filed as directed. To take the vote merely to change, is not enough. Trouble is very likely to arise if the filing is neglected.

The *hour* of meeting may be changed by a vote of the district at an annual meeting, but such vote can bear only on the next ensuing annual meeting. If no other hour is determined by vote, seven o'clock in the afternoon is the hour fixed by law.



## ANNUAL MEETING IN DISTRICTS HAVING GRADED SCHOOLS.

Chapter 23, of the general laws of 1868, as amended by chapter 6, of the general laws of 1869, provides as follows:

“SECTION 1. The annual meeting of all school-districts in which graded schools of two or more departments are taught, shall be held on the second Monday of July in each year, at seven o'clock in the afternoon.

“SECTION 2. It shall be the duty of the district clerk of any school-district in which such graded school is taught, to give not less than ten days notice of the time and place of holding such annual meeting, but the neglect of the clerk to give such notice shall not invalidate the acts of any annual meeting held under the provisions of this act.”

## LEGALITY OF ANNUAL MEETING.

SECTION 18. No annual meeting shall be deemed illegal for want of due notice, unless it shall appear that the omission to give such notice was willful and fraudulent.

Every precaution should be taken to insure a proper notice, and an omission to do so resulting from carelessness or ignorance is, in a certain sense, fraudulent. Action of an annual meeting held without due notice is looked upon with suspicion, and the Superintendent of Public Instruction will not hesitate to sustain an appeal taken from such action, when it is made to appear that no proper opportunity has been afforded the people of a district to express their will.

## POWERS OF A DISTRICT AT A SCHOOL MEETING.

SECTION 19.\* The inhabitants qualified by a law to vote at a school district meeting, when assembled at the first and each annual meeting in their district, shall have power—

*First.* To appoint a chairman for the time being.

*Second.* To adjourn from time to time as occasion may require.

*Third.* To choose a director, treasurer, and clerk.

*Fourth.* To designate a site for a district school-house.

*Fifth.* To vote such a tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school-house, to build, hire or, purchase a school-house, and to keep in repair and furnish the same with the necessary fuel and appendages; *provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring, or purchasing a school-house,

\*See chapter 339, general laws 1875, and chapter 91, general laws 1876.

of more than six hundred dollars in any one year, unless the supervisors of the town in which such school-house is to be situated, shall certify in writing that, in their opinion, a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised; *provided further*, that no district containing a population of less than one thousand inhabitants, shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth.

*Sixth.\** To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district; *provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for school-purposes other than for the purposes prescribed in the fifth subdivision of this section, in such district of more than five hundred dollars in any one year; *and provided further*, that in case any district shall not at its annual meeting or at a special meeting held subsequent to the annual meeting and prior to the third Monday of November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months, then the district board shall have power, and it shall be their duty to estimate and determine the sum necessary to be raised to maintain such school, and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other district taxes are assessed; *and provided further*, that in all school-districts having an average attendance at school for the year of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year for teachers' wages; in all school-districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year for teachers' wages. And in all school-districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year for teachers' wages. If, when a district shall have failed to vote a tax for school-purposes, any district board shall wilfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months, as aforesaid, each member of the board thus refusing or neglecting, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not less than one month nor more than three months; and when any district-board shall have estimated and determined the sum necessary to maintain a school for five months the ensuing year, any district clerk who shall wilfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment-roll for that year, shall be deemed guilty of a misdemeanor and shall be liable to a penalty of not more than one hundred dollars nor less than fifty dollars.

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\* See chapter 162, general laws 1868, and chapter 339, general laws 1875.

*Seventh.* To authorize and direct the sale of any school-house, site, or other property belonging to the district, when the same shall be no longer needed for the use of the district.

*Eighth.* To impose such a tax as may be necessary to discharge any debts or liabilities of the district, lawfully incurred.

*Ninth.* To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards, and apparatus for illustrating the natural sciences.

*Tenth.* To vote a tax on the district, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the State Superintendent of Public Instruction; *provided*, that any school-district having less than two hundred children of school-age, shall not vote a tax on the district exceeding fifty dollars in any one year for such library.

*Eleventh.* To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter, or year, to be charged to the persons thus admitted.

*Twelfth.* To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school-moneys to which the district is entitled from the income of the school-fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

*Thirteenth.* To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party, or may be interested.

*Fourteenth.* To alter, repeal, and modify their proceedings, as occasion may require.

The foregoing section shall not be construed to authorize or require the district board of any school-district to estimate and determine the amount necessary to maintain a school in their district where a special provision is made by law for the support of a public school or schools in such district.

For qualifications of voters at a school-district meeting, see section 8 and remarks thereon.

The law does not determine the number necessary to constitute a quorum for the transaction of business. The action of a meeting, due notice of which has been given, and the proceedings of

which are regular, will be sustained, though only a small minority of the voters of the district may be present. When, on account of extraordinary circumstances, the attendance is very small, courtesy, as well as the consideration of the best interests of the district, demand an adjournment for a week or more.

Attendance upon the school-meetings of the district is among the most important of public duties, and a sincere desire to promote harmony of feeling and concert of action should manifest itself in the order, regularity, and courtesy with which the proceedings are conducted. Every consistent effort should be made to afford an opportunity for the expression of the will of a majority of the voters of the district.

The action of the meeting is determined by a majority of those present and voting. The rule of common-law is, "whenever electors are present, and do not vote at all, they virtually acquiesce in the election made by those who do." (2 Burr, 1021.) Those who are present but silent, must be held to assent to what the others do in carrying out the legal purposes of the meeting.

In the exposition of this important section, defining the powers of a district, such comments as seem necessary are placed under each sub-section. The electors assembled in annual meeting have power then:

*First.* To appoint a chairman for the time being.

Some person will call the meeting to order, nominate a chairman, put the question, and declare the result. If the director be present, it will be proper for him to perform this duty, though any elector is competent to act. The person elected chairman will at once take the chair, and if the district clerk be absent, the chairman will announce the fact, and ask that a clerk may be appointed *pro tem*. The person appointed chairman is not deprived of his right to vote on any question submitted to the meeting. He may give a casting vote in case of a tie, or he may vote with the minority, when there is otherwise a majority of one in favor of any resolution, and thus make it a tie vote, which defeats the resolution; or he may vote upon a call of the yeas and nays when his name is reached. He can, however, cast but one vote upon the question. The chairman must put to vote every motion or resolution that is seconded, unless he deems such motion or resolution to be out of

order, and so declares. If the person making the motion regards the decision of the chairman erroneous, it is his right to appeal to the meeting from such decision, and, if the appeal is seconded, is the duty of the chairman to put the question, "Shall the decision of the chair be sustained?" In case the meeting refuses to sustain the decision, it is the duty of the chairman to put the original question; a refusal to do so is disorderly, and the meeting has power to select another person for chairman, who will conform to the decision. The motion for this purpose may be put by the clerk, and the result should be declared by him. There is no code of rules for regulating the proceedings of district meetings, and hence that must be held to be legal to which a majority consents. The office of chairman is to aid in ascertaining the will of the majority of the meeting. In case the action of the meeting is illegal, the remedy is by appeal, but a mere want of observance of technical parliamentary rules is not a sufficient reason for taking an appeal, nor will an appeal probably be sustained on this ground.

*Second.* To adjourn from time to time as occasion may require.

A motion to adjourn takes precedence of all others. A motion to adjourn indefinitely takes precedence of a motion to adjourn to a day fixed. If the first fails to carry, the question will then be put upon the second. If a majority are in favor of adjourning, they cannot withdraw from the meeting until the question of adjournment has been put and declared carried by the chairman, without leaving the minority in possession of all the powers of the district. A motion to adjourn cannot be received after another question is actually put to vote, and while the meeting is engaged in voting upon it, but in such case the vote must be concluded, and the result announced by the chairman. If the meeting adjourns indefinitely, all questions pending are discontinued, and they can be renewed only upon a fresh proposition; but if the adjournment is to a specified time, it is only a continuance of the session; and the questions are to be taken up at the point they were left. The statute, however, (see section 20,) provides, that in case of adjournment for a longer period than one month, notice shall be given of the time and place of holding the adjourned meeting, by posting written notices therefor in four or more public places in the district, one of which notices shall be fixed to the outer door

of the school-house, if there be one in the district; said notice to be given at least six days previous to the time to which the meeting adjourned.

*Third.* To choose a director, treasurer, and clerk.

It is desirable, however, that the proceedings of the preceding annual meeting should be read, also the minutes of special meetings held during the year, before the meeting proceed to elect officers. The reports of district officers should also be presented, and referred to a committee for examination, with instructions to report at some later stage of proceedings. The report should be in writing, and should be carefully examined by the committee, or by the meeting if convenient. All school-officers should be held to a strict accountability for the faithful performance of their duties, and the financial statements submitted should be accompanied with vouchers for all money expended. Reports of officers should be spread upon the records, as papers that are merely filed are often lost.

Election of officers should always be by *ballot*, though this method is not absolutely required by statute. One officer must be elected each year in the order named; clerk, treasurer, director. If a vacancy has occurred during the year past, which has been filled by the district board, or by the town clerk under the provisions of section fifty, such appointment does not hold more than ten days after the annual meeting, and it is the duty of the district meeting to elect a person to fill such vacancy. The person thus elected will serve out the unexpired term, whether the same be one or two years. It will thus sometimes happen that more than one district officer is to be elected at an annual meeting.

It is desirable that an informal ballot should precede the formal ballot. A person who is present at a district meeting, when elected to a district office, will be deemed to have accepted the same, unless he declares his refusal, so that if the meeting chooses to excuse him, a new election may be had.

An adjourned session cannot oust an officer elected. It is important that the electors consummate an election, as, if they do not, the vacancies must be filled by appointment, which may prove less satisfactory.

It should be noted here that no district officer can be elected at

an adjourned session of the annual meeting, if such session is held more than ten days after the time fixed for the annual meeting. The power to elect does not extend beyond the ten days, and if no election has taken place, the vacancy must be filled by appointment.

If a vacancy exists at an annual meeting, from any other cause than the expiration of the incumbent's term, it is advisable that a resolution should be passed declaring that such vacancy exists, and stating the ground on which the meeting regards the office vacant. It is for the meeting to judge in the first instance whether a vacancy exists, and although it may err in so declaring, the officer elected will be deemed an officer *de facto*, and his acts in relation to the public and third persons deemed valid, until his election is pronounced void by competent authority.

*Fourth.* To designate a site for a district school-house.

The site selected should contain at least one acre, and should be as central as circumstances will permit. The future needs as well as the present condition of the district should be considered, however, and hence it may not be good policy to locate the site near the present center of population. The surroundings should also be taken into consideration. It is more important that the location should be salubrious, quiet, and pleasant, than that it should be central or convenient of access. The vicinity of stores, taverns, mills, etc., is undesirable. A dry and sheltered spot should be chosen, but not too far from all inhabitants.

In designating the site it should be so definitely described that it can be laid out without reference to any other document than the resolution locating it. The people of the district cannot delegate power to the district board to designate the site, although they or a committee may be authorized and directed to make the necessary examination as to location, price, and title. The action of the meeting is, however, required to legally fix its location. After a site has been designated, it does not become established until a title has been acquired, or the district board has made a contract, binding upon the district for its purchase. The town board has no power to designate the site at the time of forming a new district.

*Fifth.* To vote such a tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable

site for a school-house; to build, hire, or purchase a school-house, and to keep in repair and furnish the same with the necessary fuel and appendages; *provided*, that no district containing a population of less than two hundred and fifty inhabitants shall have power to levy and collect a tax for building, hiring, or purchasing a school-house, of more than six hundred dollars in any one year, unless the supervisors of the town in which such school-house is to be situated shall certify in writing that in their opinion a larger sum should be raised, and shall specify such sum, in which case an amount not exceeding the sum specified may be raised; *provided further*, that no district containing a population of less than one thousand inhabitants, shall have power to raise and collect in any one year, for the purposes above specified, more than one thousand dollars, unless the supervisors shall certify as above set forth.

The electors may vote such a tax as they "deem sufficient," subject to the conditions imposed by law, and with the consent of the supervisors of the town, *previously obtained*, they may vote any sum not exceeding that approved by these officers. If the district contains a population of one thousand, or upward, it may raise more than \$1,000 without first obtaining the consent of the supervisors. It is quite proper, but not necessary, to designate a site before voting a tax to build the school-house; neither is it necessary that the site should be designated before levying a tax to pay for the same. If the tax deemed sufficient is afterwards found to be too small, an additional tax may be voted, and, if too much is raised, the electors may appropriate the same to any object for which they can legally raise a tax. The expense of investigating the title and of recording the deed may legally be included in the tax for a site. Although the law authorizes the leasing of a site, it does not permit the district to contract a permanent debt for future rent. Land, for a site, is sometimes held under a lease granting it for a consideration, paid in advance, for so long a time as the same shall be used for the purpose of a public school. It is always advisable that the district should obtain an indefeasible estate, in fee simple, if possible.

Sections 78 to 85 prescribe the course to be pursued, when the district is unable to obtain the school-house site selected or designated by a majority of the electors thereof present at a regular meeting, on account of the refusal of the owner to sell or lease the same, or on account of the owner being a non-resident.

In regard to the right of the district to the school-house, at the



expiration of the term for which the land upon which it is situate, is held, the law, as stated by Judge Harris. (7 Barb. N. Y. R., 266.) is as follows: "Any one who has a temporary interest in land, and who makes additions to it or improvements upon it, for the purpose of the better use or enjoyment of it, while such temporary interest continues, may, at any time before his right of enjoyment ceases, rightfully remove such additions and improvements. If he omit to sever the addition or improvement until his right of enjoyment ceases, such an omission is to be deemed an abandonment of his right, and thereafter the addition he has made becomes, to all intents, a part of the inheritance, and the tenant, as well as any other person who severs it, becomes a trespasser."

Although a tax may be levied before a title has been acquired, yet the district board should not part with the money before a conveyance of the site has been made.

A question sometimes arises in regard to incumbrance in case of mortgage. The sum voted to purchase a site is held to be all that the district can at any time be called upon to pay for it; and hence the title should be free from incumbrance, unless it was expressly understood at the meeting voting the tax that the site was to be purchased subject to the incumbrance resting upon it. When a site is purchased which constitutes a part of a mortgaged tract, the rule of law is that the remaining property of the mortgagor shall first be sold, and if that is not sufficient to satisfy the mortgage, then of the remainder that which is conveyed latest is to be sold first. It is always better to obtain a clear title, and a district board is not justified in purchasing a site, or in contracting for building upon it, if said site is incumbered, without an express vote authorizing them to do so.

The question sometimes arises as to the legality of connecting the school-house with other erections made for different purposes, and under other control than that of the district board. This department has held that a tax cannot be voted for building a house for joint use as an academy and school-house, or a church and school-house, and that any partnership which does not secure to the district board the complete control of the house for school-purposes, is illegal. In the case of *Tracy vs. Talbot*, (6 Mad. R., 214.) Judge Holt held that, "If a house originally entire, be divided into several apartments, with an outer door to each apartment,

and no communication with each other, the several apartments shall be rated as distinct mansion-houses." The supreme court of Massachusetts held, in case of *George vs. School-District Mendon*, (6 Metc., 510,) as follows: "If, under color of this corporate power of a school-district, the inhabitants should vote to erect an expensive and ornamental building, with a view to improve the neighborhood, to enhance the value of the real estate, to accommodate societies, lecturers, dramatic exhibitions, or even to have a convenient place for religious meetings or public worship, or for any other use than that of a district town school, it would not be within the legitimate authority of a school-district, and any vote to levy a tax on the inhabitants for such a purpose would be void."

There may be distinct tenements under the same roof and; tenements are as essentially distinct when one is under the other, as when one is by the side of the other. (1 Metc., 541.)

It is desirable that every district should own a good school-house, and that it should be entirely separate from other buildings; still, it sometimes happens that economy demands a co-operation between the district and some other association in erecting two houses under the same roof. Such an arrangement is held to be legal, provided the district secures by proper legal covenants: *First*, The complete and undivided control of the school-rooms at all times, and of all doors and passages affording egress and ingress thereto. *Second*, That the other rooms of the building shall not be used at any time during school-hours for an assemblage or purpose which can distract the attention of the pupils, or interfere, by noise or otherwise, with their instruction. *Third*, That the parties using or owning the other rooms shall pay the whole or some definite part of the expenses of such repairs upon those rooms, or the roof or other parts of the building, as the district shall deem necessary. *Fourth*, That the parties owning the other parts of the building shall pay a proper proportion of the amount necessary to keep the whole properly insured.

The best method of protecting the interests of the district is for the board to lease the rooms on the foregoing conditions, and such other as are proper. The lease should provide for its own termination on any breach of its conditions, and should contain an express provision that whenever a district meeting shall determine that the residue of the building is needed for school-purposes, the

same shall become the property of the district upon the payment of the appraised value of the labor and materials used in its construction.

A district meeting may vote a tax for a fence, sidewalks, separate privies for the two sexes, wood-house, stoves, stovepipe, and bell, as these are held to be necessary appendages.

Money may also be raised to pay for the insurance of the school-house. This must be a definite sum. The school-house cannot be insured in those companies that require a note for part of the premium, for the district board cannot bind the district to pay a note drawn by them for such a purpose. All taxes voted must be for specific and legal objects. Money cannot be raised for *contingent* expenses, nor for *arrearages* generally. The specific amount raised for each of the several objects for which the tax is levied, should be stated in the resolution passed by the meeting, in order that the district and the board may know the precise extent of their liability and authority.

A district has power to vote a tax to *enlarge* a school-house, notwithstanding it may have cost all that said district is by law authorized to raise in any one year, and the tax for such enlargement does not require the consent of the town supervisors thereto. The amount received from the sale of the old school-house may be added to the amount authorized by law to be raised for building in any one year, and expended for the new building.

*Sixth.\** To vote a tax on the taxable property of the district, of such sum as the meeting shall deem proper for the payment of teachers' wages in the district; *provided*, that no district containing a population of less than two hundred and fifty inhabitants, shall have power to levy and collect a tax for school-purposes, other than for the purposes prescribed in the fifth subdivision of this section, in such district, of more than five hundred dollars in any one year; *and provided further*, that in case any district shall not at its annual meeting, or at a special meeting held subsequent to the annual meeting and prior to the third Monday of November, vote a tax sufficient to maintain a school in said district the ensuing year for the term of five months, then the district board shall have power, and it shall be their duty to estimate and determine the sum necessary to be raised to maintain such school; and the district clerk shall certify to the town clerk the amount thus determined upon, who shall assess the same as other district taxes are assessed; *and, provided further*, that in all school-districts having an average

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\* See forms Nos. 11 and 12.

attendance at school for the year of fifteen scholars or less, not more than three hundred and fifty dollars shall be raised in any one year for teachers' wages; in all school-districts having an average attendance of not more than thirty nor less than fifteen scholars, not more than four hundred and fifty dollars shall be raised in any one year for teachers' wages. And in all school-districts having an average attendance of not more than forty nor less than thirty scholars, not more than five hundred and fifty dollars shall be raised in any one year for teachers' wages. If when a district shall have failed to vote a tax for school-purposes, any district board shall wilfully refuse or neglect to estimate and determine a sum sufficient to maintain a school for five months, as aforesaid, each member of the board thus refusing or neglecting shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail, not less than one month nor more than three months. And when any district board shall have estimated and determined the sum necessary to maintain a school for five months, the ensuing year, any district clerk who shall wilfully refuse or neglect to certify such sum to the town clerk in time to have the same embodied in the assessment-roll for that year, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not more than one hundred dollars nor less than fifty dollars.

The law as it now stands makes the amount that may be raised in any district for teachers' wages to depend upon the population of the district.

The income of the school-fund annually apportioned to the different districts on the basis of population over four and under twenty years of age, together with the amount which is received by the districts from the tax levied by the county supervisors, must be appropriated to the payment of teachers' wages, and the balance is to be raised by town or district tax. A tax cannot legally be levied to pay a person for services as teacher who did not hold a certificate of qualification at the time such services were rendered; nor can any public money be paid to a person for services as a teacher, who is not qualified according to law.

While the law has restrained districts, on the one hand, from voting excessive taxes, it has also provided a security against the parsimony or negligence that would sometimes fail to open schools at all, or that would open them for an insufficient period. Five months school in each year is the smallest amount that entitles a district to share in the income of the school-fund. Not to provide for at least this amount, is a wrong to the children deprived, and an injury to the public good. The district board are therefore

charged with the duty, under penalty for its neglect, of making this provision, if it is not done by the district. (See the provision at the end of this section.)

*Seventh.* To authorize and direct the sale of any school-house, site, or other property belonging to the district, when the same shall be no longer needed for the use of the district.

The restriction here imposed upon the sale of district property is important. It must no longer be needed for the use of the district. The district must act through the district board, as the board alone is competent to make contracts binding upon the district. If any credit is to be given upon the sale of district property, the people at the district meeting should, by resolution, specify the exact terms thereof, and should fix the lowest price to be accepted. The district board are responsible to the district for the exercise of the same care that a prudent man would take in managing his own affairs.

*Eighth.* To impose such a tax as may be necessary to discharge any debts or liabilities of the district lawfully incurred.

By section one hundred and fourteen a school-district is authorized to make a loan of money to aid in the erection of a school-house, if *a majority of all the legal voters* in the district shall vote in favor of the loan. The loan can usually be more conveniently paid by installments. Although the inhabitants of a district may, by resolution, declare their *intention* to raise a certain amount annually for two or more years, yet the action of the meeting is limited to one of the installments, and it requires the action of the district at a subsequent meeting to raise another installment. Money, under authority of section one hundred and fourteen, cannot be loaned for any other purpose than "to aid in the erection of a school-house."

*Ninth.* To vote a tax not exceeding seventy-five dollars in any one year, for the purchase of maps, blackboards, and apparatus for illustrating the natural sciences.

Maps are necessary to teaching geography, for the principal facts are learned more readily by the eye than in any other manner. Every school-room should be furnished with a map of the world, of the United States, and of this State; and of the county in which

the school-house is situated. A globe is also desirable. Blackboards should extend around the school-room, that is, should occupy all the space not taken by doors and windows, to a height of seven feet from the floor, the lower edge of the blackboard being about two feet nine inches from the base-board. Charts are now easily obtained for teaching, reading, penmanship, and other branches, and the cost is much more than made up in the increase of interest among the pupils, and the greater facilities for the teacher. School-boards should acquaint themselves with the cost and the use of the more simple and important kinds of apparatus, and lay the matter before the district at each annual meeting. If the district votes no tax for apparatus, the board may nevertheless purchase. (See section 48.)

*Tenth.* To vote a tax on the district, not exceeding one hundred dollars in any one year, for a district library, consisting of such books as they may direct their district board, at a district meeting, to purchase; said books to be selected under the advice of the State Superintendent of Public Instruction; *provided*, that any school-district having less than two hundred children of school-age, shall not vote a tax on the district exceeding fifty dollars in any one year for such library.

This is an important provision if wisely carried out. By judicious action, a valuable library may be secured for each school-district; but unless the money raised is placed in the hands of discreet and competent men to expend, the books obtained will be of no permanent benefit to the people.

*Eleventh.* To authorize the district board to admit to the privileges of the school, persons over twenty years of age, and persons not residing in the district, whenever such admission will not interfere with the accommodation or instruction of the scholars residing therein, and to fix a fee for tuition per term, quarter or year, to be charged to the persons thus admitted.

The vote of the district is to *authorize* the board to admit the persons mentioned into the school. The consent of the board should always be signified in writing, and should not be given until the tuition fee has been paid to the district treasurer. No teacher should admit a non-resident pupil into his school without express authority conveyed in writing. It is sometimes difficult for the district board to determine the liability of inhabitants for the tuition of persons in their employment or under their protec-

tion. The general rule is, that every head of a household must be supposed to direct the conduct of its members, and that he voluntarily assumes the legal responsibility growing out of their attendance upon school. This presumption does not, however, always apply. Crowding into a district in which a superior school is maintained, to enjoy its advantages free of cost, under plea of having residence as an employee in a family, is an abuse that sometimes needs be corrected.

The tuition fee may with propriety be made merely nominal, however, to such persons as are residents of other districts, but who are tax-payers in the district where they desire to send to school, *provided* their distance be such as to preclude the possibility of their being attached to the district.

The question of *residence* settles the question of right to free tuition in any school.

The residence of the child is with the parent or guardian, unless by indenture or otherwise the parent or guardian gives over to another the right to control the child, so that in law he is not entitled to his earnings, or responsible for his acts.

An orphan without guardian, takes his residence with him wherever he goes.

The district board has no authority to admit non-resident children into the school contrary to the vote of the district, nor has it authority to exclude them after a vote of the inhabitants to admit them. It is the duty of the board, in this matter, to carry into effect the instructions of the district.

*Twelfth.* To determine the length of time a school shall be taught in their district the then ensuing year, which shall not be less than five months, and whether such school shall be taught by a male or female teacher, or both, and whether the school-moneys to which the district is entitled from the income of the school-fund, and from the town, shall be applied to the support of the summer or winter school, or a certain portion to each; but if such matters shall not be determined at the annual meeting, the district board shall determine the same.

The number of days during which a school must be taught to meet the requirements of the law in regard to the apportionment of school money is one hundred, and this number includes legal holidays, viz., New Year's day, the twenty-second of February,

the fourth of July, the day of general (or fall) election, and Christmas, together with days of fasting or thanksgiving appointed by State or national authority. If the matters enumerated in the twelfth sub-section are not determined by the annual meeting, the district board must determine the same; but the inhabitants, at a special district meeting, are authorized by section 21 "to transact the same business as at the first and each annual meeting, except the election of officers." When the district has determined the length of the school, (being not less than five months,) the sex of the teacher or teachers, and the application to be made of the school-moneys, the board have no discretion, but must carry out the vote of the district. In case they find it impracticable to do so, the remedy is a special meeting, to give further instructions.

*Thirteenth.* To give such direction and make such provision as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party, or may be interested.

The district may appoint any suitable person to represent them in a suit; but in the absence of such appointment, the director is constituted the representative of the district in all suits. (See section 33, and the comment thereon.)

*Fourteenth.* To alter, repeal, and modify their proceedings, as occasion may require.

The power to repeal proceedings cannot be exercised after they have been carried into effect, so that rights have been acquired under them. When the district board has made a contract under authority of the district, the repeal of the resolution authorizing such contract will not rescind the contract. The district can modify or repeal the contract only after securing a release of damages from all the parties who have acquired any rights of action.

A district can repeal a resolution to raise a tax, at any time before the warrant to collect the tax is handed to the collector, but this power cannot be exercised after part of the tax has been collected. (*Gale vs. Mead*, 4 Hill. *Smith vs. Dillingham*, 4 Barbour.) It is advisable that resolutions should be repealed in express terms, when such is the intention, and not by implication.

When a resolution is to be repealed at the meeting at which it was passed, it is usually done by a motion to reconsider. The



general rule is that a motion to reconsider can only be made by a person who voted with the majority on the question the reconsideration of which is proposed; and this rule is a proper one for the chairman of the meeting to observe; but, if on appeal from the decision of the chairman, a majority of the meeting choose to disregard the rule, it may be set aside. The usual rules governing legislative bodies are not binding upon district meetings, unless such meetings adopt such rules. Any resolution directly or necessarily repugnant to a previous one repeals it; and the rule, as laid down, (3 Howard, U. S. R., 636,) is that if a subsequent statute be not repugnant in all its provisions to a prior one, yet if the latter statute was clearly intended to prescribe the only rule that should govern in the cases provided for, it repeals the prior one.

The repeal of a repealing statute does not revive the original enactment.

Officers elected at an annual meeting cannot be displaced by reconsidering or rescinding former proceedings at an adjourned meeting. When an election has been held in due form, the elective power of the district is exhausted, and the officers chosen at the annual meeting are the legal officers of the district, until by death, resignation, removal from the district, expiration of term, refusal to serve or removal from office, a vacancy occurs proper to be filled by election or appointment. And when a person entitled to hold office has been elected, and has not refused to serve, there is no power to take it from him, or debar him from assuming its duties.

The foregoing section shall not be construed to authorize or require the district board of any school-district to estimate and determine the amount necessary to maintain a school in their district where a special provision is made by law for the support of a public school or schools in such district. (Sec. 2, chap. 339, gen. laws 1875.)

This provision was added to Sec. 19 in 1875. It affects subsection sixth, and relieves the board from the duty there imposed in cases where some "special provision is made by law" for the support of a school.

The powers of a school district are enlarged in one particular by the following enactment:

(Chapter 91, Gen. Laws 1876.)

SECTION 1. The qualified electors of each school district in the

State shall have power, at each annual meeting, to vote a tax on the district, not exceeding ten dollars, nor less than five dollars, to compensate the clerk of the district for his services thereto; *provided*, that the school districts known as union school districts, and districts supporting graded or high schools, shall be permitted to pay such salaries to their school district clerks from year to year, as may be fixed by vote of their annual school meetings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

No action can be taken by any district under this law until the annual meeting in July, August, or September, 1876, as the case may be, and the compensation then voted can apply only to the future.

#### NOTICE FOR ANNUAL MEETING.

SECTION 20. It shall be the duty of the clerk to give at least six days' previous notice of every annual district meeting, by posting notices therefor in four or more public places in the district, one of which notices shall be affixed to the outer door of the school-house, if there be one in the district; and he shall give the like notices for every adjourned district meeting, when such meeting shall have been adjourned for a longer period than one month.

In order to give publicity to the annual meeting, the statute directs the clerk to post notices therefor in at least four public places in the district, but such notice is not essential to the validity of the meeting. The time and place of holding it may always be ascertained by examining the records of the district, and the objection that notice was not duly posted, is not well taken. The foundation of the meeting is the statute, or the order of a previous annual meeting, and not posting of the notice for it. (6 Hill, N. Y. R., 647.)

It is, however, the duty of the district clerk to give the notice required for the annual meeting, and for neglect of duty he is liable to a fine, under the provisions of section 124. The notice should embrace the time of day and the place of meeting, and the more important items of business to be transacted, for while the law does not require this to be done, it will help to secure a full attendance, which is most desirable; but it is to be borne in mind that the object of the notice for the annual meeting is to assemble the inhabitants as the local legislature, and that when so assembled, their powers are defined, not by the notice, but by the statute.

## SPECIAL MEETINGS.

SECTION 21. Special district meetings may be called by the clerk, or in his absence by the director or treasurer, on the the written request of five legal voters of the district, in the manner prescribed for calling an annual meeting, and the inhabitants qualified by law to vote, when lawfully assembled at a special meeting, shall have power to transact the same business as at the first and each annual meeting, except the election of officers; *provided*, that the business to be transacted shall have been particularly specified in the notices calling the same; *and provided further*, that no tax shall be voted at a special meeting unless three-fourths of the legal voters shall have been notified, either personally or by leaving a written notice at their places of residence, stating the time, place and object of the meeting, at least six days before the time appointed therefor.\*

The power granted by the statute to call special meetings should be liberally exercised for the benefit of the district, and it is the duty of the clerk to call special meetings whenever requested to do so by the required number of legal voters. "The word *may* means *must* or *shall* only in cases where the public interests or rights are concerned; and where the public or third persons have a claim *de jure* that the power should be exercised." (5 John, Ch. R., 113.) Our supreme court held, (*Cutler vs. Howard*, 9 W. R., 312,) "that when public corporations or officers are authorized to perform an act for others, which benefits them, that then the corporations or officers are bound to perform the act. The power is given them not for their own, but for the benefit of those in whose behalf they are called upon to act, and such is presumed to be the legislative intent. In such cases they have a claim *de jure* to the exercise of the power." The fact that the district clerk does not approve of the objects sought by those who request him to call a special meeting, is not a good cause for refusing to accede to the request.

A special meeting may be called to consider an object which has already been considered by a meeting which stands adjourned.

The notice for a special meeting may be given by the director or treasurer in case of a vacancy in the office of clerk, or if that officer is absent, or incapable of acting. All notices for special meetings must "particularly specify" the business to be transacted thereat, nor can business not thus clearly mentioned be legally acted upon. If levying a tax be a part of the business, notices

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\* See Forms Nos. 13 and 14.

must be posted in not less than four public places in the district, and in addition to this, notice must be served personally upon at least three-fourths of the legal voters of the district.

#### UNION DISTRICTS.

SECTION 22. Whenever two-thirds of the legal voters of any two or more adjoining school-districts shall, at any annual meeting, by vote, determine to form a union district for high-school purposes, it shall be the duty of the clerks of the districts so voting to furnish the town supervisors a certified copy of the minutes of said meeting, together with the names of those voting for and against said proposition. Upon receiving such notice it shall be the duty of the town supervisors to determine and establish the boundaries of said union district, and file a copy of such order with the town clerk. They may also, upon application, include persons and lands in adjoining districts in said union district, according to their discretion.

SECTION 23. The control of such union district shall be vested in a board consisting of a director, treasurer, and clerk, who shall be elected in the same manner and hold their offices the same as officers of common school-district boards, subject to the same rules and penalties; *provided*, that the town supervisors shall have power to appoint the first board of such union district.\*

SECTION 24. The expenses of said union school-district incurred in purchasing or leasing school-houses or sites, in building or repairing school-houses, out-houses, fences, etc., in hiring teachers, and in establishing and carrying on said high school, shall be defrayed by a tax upon the real and personal property of said union district, to be called the union high-school tax. Said tax shall be voted by said union district, at its annual or special meetings, and shall be levied and collected in the manner hereinafter provided for the assessment and collection of district taxes. No fee for tuition shall be charged or collected except from scholars not residing in the union district, who may be required to pay such fee as shall be prescribed by the board, which fee or fees shall go into the general fund of said union district.

SECTION 25. The board of said union district shall determine the standard of qualification necessary for admission, the branches to be taught, and the books and apparatus to be used in said high school; and shall have and exercise all the powers granted by law to the boards of common school-districts.

SECTION 26. The annual meeting of the union school-districts shall be held on the Wednesday after the last Monday in September, in each year, and such meeting shall have power to transact all business, as prescribed in section nineteen of this chapter.

SECTION 27. Special meetings may be held as provided in section twenty-one of this chapter.

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\* See Form No. 17.

SECTION 28. When it is proposed to form union districts of territory lying in two or more adjacent towns, then the respective supervisors of those towns shall act in concert in the formation of such union district, as required in the formation of joint common school-districts.\*

SECTION 29. The boundaries of any union school-district, formed in accordance with the provisions of this chapter, may be altered in the same manner that the boundaries of common school-districts are altered; and the provisions of law governing the action of town supervisors in relation to the alteration of common school-districts, shall, so far as the same are applicable, be applied in the alteration of union school-districts; *provided*, that no union school-district shall be disorganized unless a majority of the electors shall, at an annual meeting, vote for such disorganization.†

SECTION 30. Nothing in this act relating to union school-districts shall be so construed as to impair or affect the organization of primary districts within such union district.

(See the "township law" and the "free high-school law" at the end of this chapter.)

#### SCHOOL-DISTRICT OFFICERS.

SECTION 31. The officers of each school-district shall be a director, treasurer, and clerk, who shall hold their respective offices for three years, and until their successors shall have been chosen or appointed, but not beyond ten days after the expiration of their term of office, without being again elected or appointed; *provided*, that at the first election of such officers, in any newly organized district, the clerk shall be chosen for one year, the treasurer for two years, and the director for three years; and thereafter each officer shall be chosen for three years. Any person present at a school-district meeting, at which he shall be elected one of the district board, shall be deemed to be notified thereof, and any person so elected, and not present, shall be notified thereof by the clerk of said meeting, within five days thereafter; and unless each person elected and notified shall, within ten days after his election, file with the clerk his refusal in writing to accept the office, he shall be deemed to have accepted the same.‡

#### WOMEN ELIGIBLE TO SCHOOL-OFFICES.

(Chapter 120, General Laws 1875.)

SECTION 1. Every woman of the age of twenty-one years and upward, residing in the district within which the duties of the office are to be performed, is hereby declared to be eligible, and may be elected to the following school-offices, viz: the office of director, treasurer, and clerk of school-districts; director and secretary of town boards under the township-system of school-government; member of a board of education in cities, and county superintendent of schools.

\*See Form No. 16.

† See Form No. 9.

‡ See Forms Nos. 18 and 19.

The time from the first meeting of a legally organized district to its first annual meeting, no matter how short that may be, *is to be considered a year*, because all subsequent elections must be at the time fixed for the annual meetings. At the first annual meeting, therefore, after the first meeting of any newly organized district, a new clerk will be elected for the term of three years. At the second annual meeting, a treasurer is to be elected for three years; and at the third annual meeting, a director is to be elected for three years. Thereafter, one officer only is to be elected at each annual meeting, for the term of three years, and in the following order: clerk, treasurer, director. It may sometimes be necessary, however, to elect a district officer to serve out an unexpired term, in addition to the officer elected for a full term.

In case a district establishes a graded school of "two or more departments," then by the provisions of chapter 6, of the general laws of 1869, it must hold its annual meeting on the second Monday of July; and the term of any district officer that would otherwise have expired in September or August, will be taken to have expired at said meeting in July, and a new incumbent will be elected, and so annually thereafter.

The question sometimes arises whether it is proper to elect persons as district officers who are not citizens. As there is no statutory provision on the subject, a decision of the supreme court is given. In the case of *Off vs. Smith*, (14 W. R., 497,) it was held that "it is an acknowledged principle which lies at the foundation [of popular governments,] and the enforcement of which needs neither the aid of statutory or constitutional enactments or restrictions, that the government is instituted by the citizens for their liberty and protection, and that it is to be administered and its powers and functions exercised only by *them*, and through their agency."

On the other hand, it may be held, in regard to persons who have declared their intention to become citizens, that as they are permitted to vote, they are eligible to minor offices, if it is desired to elect them.

Officers elected at the first meeting of any district are required to file written acceptances, but at the annual meetings succeeding, written acceptances are not required. However, persons not present at an annual meeting must be notified if elected to office; and,

unless a person who has been notified of an election shall, within ten days after his election, file with the clerk his refusal to serve, he shall be deemed to have accepted the office. A verbal refusal to serve, or inattention to the duties of the office does not create a vacancy. A person elected should therefore serve, or signify his refusal to serve in a legal way, and within the legal time.

#### DUTIES OF DIRECTOR.

SECTION 32. It shall be the duty of the director of each district to countersign all orders legally drawn by the clerk upon the treasurer of the district.

SECTION 33. The director shall appear for and on behalf of the district, in all actions brought by or against the district, when no other direction shall be given by the qualified voters of such district, at a district meeting.

SECTION 34. In case of any breach of the condition of the treasurer's bond, the director shall cause an action to be commenced thereon, in the name of the district, and the money, when collected, shall be applied by such director to the use of the district, as the same should have been applied by the treasurer.

The director is required to countersign orders *legally* drawn, and it is his duty to know that an order presented to him for his signature is drawn in accordance with law, before he affixes his name thereto. The object of this provision of the law is to protect the interests of the district.

By sub-section *thirteen* of section nineteen, the district has power, at any meeting duly called, to give such direction, and make such provision, as may be deemed necessary in relation to the prosecution or defense of any action or proceeding in which the district may be a party or interested; and unless some other person is designated to perform the duty, the director is required to bring suit and to carry out the will of the meeting. The director has not power under the statutes to bring suit, upon his own motion, in behalf of the district, except in case of breach of the condition of the treasurer's bond. In this case, it is his duty to commence proceedings to protect the interest of the district at once, without waiting for the action of a district meeting.

If an action is commenced against the district, the director must appear in behalf of the district, without waiting for authority from a district meeting. The district may, however, designate some

other person to act as their representative in the defense if they think it expedient.

#### DUTIES OF TREASURER.

SECTION 35. The treasurer of each district shall, within ten days after his election, execute to the district and file with the clerk a bond in double the amount of money, as near as can be ascertained, to come into his hands as treasurer, with sufficient sureties, to be approved by the director and clerk, conditioned for the faithful discharge of the duties of his office, and if he shall fail to do so, his office shall be vacant, and the board shall thereupon appoint a treasurer, who shall be subject to the same conditions and possess the same powers as if elected to that office.\*

A neglect to file the bond, completed and approved, within ten days, as the law directs, vacates the office. Filing it with the approval of *one* member of the board only, or after the time expires, is of no effect. It is obviously improper for either the director or clerk to become surety for the treasurer.

SECTION 36. Whenever the director and clerk of any school-district shall deem the security upon the bond of the treasurer insufficient, they shall have the right to demand additional security, and the refusal or neglect of the treasurer to furnish such additional security, within ten days thereafter, shall vacate his office.†

The power granted the clerk and director, by this section, should be exercised whenever the interests of the district demand it. No good citizen will regard the exercise of this power as an imputation upon his character. Whenever the security on the bond is not such as the law requires, it is obviously the duty of the treasurer to furnish additional security, and it must be done promptly, within ten days, just as in the original filing of the bond.

SECTION 37. It shall be the duty of the treasurer of each school-district to apply for and receive from the town treasurer all school-moneys apportioned to the district or collected for the same by the said town treasurer, and to pay over on the order of the clerk and director of such district, all moneys received by him.

The district treasurer can ascertain the amount of money to which his district is entitled, by examining the certificate of apportionment on file in the town treasurer's office, which that officer receives from the town clerk. The district treasurer should

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\* See Form No. 20.

† See Form No. 21.



pay all legal orders in the order of presentation, when no special direction appears upon the order to the contrary.

SECTION 38. The treasurer shall keep a book in which he shall enter all the moneys received and disbursed by him, specifying particularly the sources from which money has been received, and the person [persons] to whom and the objects for which the same has been paid out. He shall present to the district at each annual meeting a report in writing, containing a statement of all moneys received by him during the preceding year, and of the disbursements made by him, with the items of such disbursements, and exhibit the vouchers therefor, and at the close of his term of office, shall settle with the district board, and shall hand over to his successor said books, and all receipts, vouchers, orders, and papers coming into his hands as treasurer of the district, together with all moneys remaining in his hands as such treasurer.

It is a duty which the treasurer owes to himself, as well as to his district, to keep an accurate record of his accounts, so as to be able to present a clear and satisfactory statement of the transactions of the year. The account required to be kept by section 38, may be a simple cash account, in which the treasurer *personally*, and in his individual name is charged with all school-moneys received by him, and credited with each payment, specifying the date, the person to whom and the account on which it was made. It is convenient and will conduce to accuracy to number each credit consecutively, and to affix the same number to the order to be produced in proof of payment, and in support of such payment. This account should be kept in a book well bound, and a transcript of such account should be made, and with the proper vouchers presented to the annual meeting. This transcript should be examined by a committee appointed by the meeting and should be endorsed by said committee as having been examined and found correct, if the committee find it regular in all respects. When at the close of his term of office, he settles with the district board as required by law, the board should enter upon the original account in the blank-book, their certificate that they have examined such account up to and including the last preceding entry (giving its date) and the vouchers therefor, and that they find the same correct.

The law relative to embezzlement of money is substantially as follows:

“ If any person having in his possession any money, belonging to

this State, or any county, town, city, or *other municipal corporation* \* \* \* or if any collector or treasurer of any town or county, or incorporated city, town, or village, or any other person holding an *office under any law of this State* \* \* \* who shall wilfully neglect or refuse to pay over the same, or any part thereof, according to the provisions of the law \* \* \* shall be deemed and adjudged to be guilty of an embezzlement. \* \* \* And every refusal by an officer to pay any sum lawfully demanded, shall be deemed an embezzlement of the sum so demanded. Any person demanding of any officer any sum of money which he may be entitled to demand and receive, who shall be unable to obtain the same by reason of the money having been embezzled as aforesaid, if he shall neglect or refuse, for thirty days after making such demand, to make complaint against such officer, shall be deemed an accessory, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars." (R. S., Chap. 165, Secs. 30, 31, 32.)

The law is thus exceedingly stringent, and must be complied with fully.

Section 3, of chapter 14, revised statutes, will give directions as to the proper course of procedure whenever a judgment has been rendered against the treasurer for any breach of the conditions of his bond. Upon proper application to the Governor it is made his duty to declare the office vacant. The vacancy will be filled as other vacancies are filled.

#### DUTIES OF CLERK.

SECTION 39. It shall be the duty of the clerk of each school-district, within ten days after the election or appointment of any school-district officer, to report the name and post-office address of such officer to the town clerk of his town, or, in case it be a joint district, to the town clerk of each town in which any part of the district is situated; to record the proceedings of the district board, and of each district meeting, in a book to be provided by the district for that purpose; to enter therein copies of all reports made by him to the town clerk; to make therein, or in some suitable book provided for that purpose, an accurate record of all orders drawn upon the treasurer, and to keep and preserve all records, books, and papers belonging to his office, and deliver the same to his successor in office.

Under our law the power of the clerk is such that the prosperity of the school of his district depends greatly upon the manner in which he discharges his duties.

The importance of full and accurate records cannot be too strongly enforced. The record-book of the district should contain a full

history of its school affairs. Dates, names, resolutions, votes, etc., should be given with such exactness that no trouble can arise which a reference to its pages will not help to settle. Financial statements and reports should be spread out on the record-book. Documents that are merely filed are soon lost.

Every clerk of a district should feel, that by a proper discharge of his duty in keeping his records with fidelity and neatness, he may leave an honorable memorial of himself that shall last while his district exists.

SECTION 40. It shall be the duty of the clerk to draw orders on the treasurer of the district, for moneys in the hands of such treasurer, which have been apportioned to or raised by the district, to be applied to the payment of wages of legally qualified teachers, who have been employed to teach the school of such district, and also to draw orders on such treasurer for moneys in his hands, to be disbursed for any other purpose for which the same shall be voted by the district, agreeable to the provisions of section nineteen of this chapter; *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the director; *and provided further*, that no order for the payment of teachers' wages shall be drawn, countersigned, or paid, which is in favor of any person who has taught the school of said district, when not holding a certificate of qualification from the county superintendent, or (in case of appeal) from the State Superintendent.\*

By the provisions of chapter 101, of the general laws of 1872, the board hires the teacher. (See Sec. 42.)

As the board has no authority to contract with a teacher who does not hold a legal certificate of qualification, so also any use of public funds, from whatever source received, for the payment of teachers not legally qualified, is a palpable violation of law. It is the duty of the clerk to see and know that the person employed is legally qualified and entitled to teach before any order for payment is drawn. It is no less the duty of the director to refuse to countersign, and of the treasurer to refuse to pay orders drawn in violation of law; and these officers are bound to know that orders are legal before they recognize them as valid.

The order for payment of teachers' wages can be drawn only in favor of the teacher. If he is desirous to apply his wages to the payment of a private debt, he can indorse the order to his creditor, but it is for him, and not for the clerk, to distribute his wages.

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\* See Form No. 22.

SECTION 41. He shall be the clerk of the district, and of all district meetings, but if he shall not be present at any district meeting, the qualified voters may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district.\*

The clerk cannot properly refuse to record the proceedings of a meeting that he was opposed to calling. And although he may think the proceedings illegal, it is his duty nevertheless faithfully to record them. If illegal, they may be set aside by competent authority on appeal; and the record of the clerk is of importance in deciding the question.

#### EMPLOYMENT OF TEACHERS.

SECTION 42.† The majority of the district board shall contract with and hire duly qualified teachers for and in the name of the district, and said contract shall specify the wages per week, month, or year, as agreed upon by the parties, and said contract so completed shall be filed in the office of the district clerk, with a copy of the certificate of the teacher so employed, attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher.

This section formerly made it the duty of the clerk to "contract with and hire" teachers. The duty is now devolved upon the district board, and like any other act performed by them, must be preceded by a regular meeting, as provided for in section 46. The comment upon that section is referred to in this connection.

The insertion of section 42 here is, in one sense, out of place, but is necessary, to preserve the numerical order of the sections.

It is very important that the provisions of this section be carefully observed. In negotiating for a teacher the board should first of all ascertain that the person is legally "qualified." The only sufficient evidence of this is an unexpired certificate from the proper superintendent. If the county be divided into two superintendent districts, the certificate must be from the superintendent of that division of the county in which the school is to be taught. If not, it is invalid. In case of a joint district not wholly within the jurisdiction of one superintendent, the certificate must be from the superintendent within whose jurisdiction the school-house is

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\*See Form No. 23.

† See chapter 169, general laws 1871, and chapter 101, general laws 1872.

situated. (See section 107.) A certificate has no validity or force beyond the county or jurisdiction within which it is given, although "indorsed" by some other superintendent. This is the opinion not only of this department, but of the attorney-general, who says: "This [an indorsement] is clearly not what the law requires, nor is it *equivalent to the certificate which is required by law*. If the legislature had intended that the certificate of one superintendent might be *adopted* (by indorsement) by another, it would have so provided."

An understanding may be had with a teacher who is awaiting examination, but a contract with a person who holds no certificate is not only void, but a fraud upon the district. If a teacher's certificate will expire during the term of school, care must be taken that it be renewed in season. It is better that the certificate be renewed before the school begins.

Before any promises are made to a teacher there should be a meeting of the board. The neglect of this will often create serious trouble. The contract is of no force unless signed by at least two members of the board. It is better that it be signed by all, as harmony of action in this matter is very important to the prosperity of the school and the welfare of the district.

There is no authority for making a contract whereby the teacher engages to board with the parents of the children. It cannot be enforced on the inhabitants. The best arrangement is to give the teacher a specific sum and let him board himself.

The amount of the compensation to be paid to teachers is within the discretion of the board. The inhabitants have no legal power to control district officers in this respect, nor in the selection of individuals to be employed, though the board would act unwisely in disregarding the preferences and wishes of the people, when reasonable and just.

There is little probability that school-officers will make the compensation too high. The wages of good teachers are generally quite inadequate. To employ a poor teacher at any price is wretched economy.

A teacher having been legally employed, cannot properly be dismissed without some violation of the contract on his part, during the time for which it was to continue, unless his certificate of qualification is annulled by competent authority. If the board discharge

a teacher on the ground that he has failed to fulfil his contract, of course it takes the risk of being able to prove such failure, in case the teacher claims damages, or demands his wages for the whole time for which he was engaged.

Although the employment of a member of the district board is not prohibited, yet the practice ought to be discouraged. The fact that the teacher is one of the board, naturally excites a suspicion that he may have been able to make a contract more advantageous to himself, and less so to the district, than if some other person had been employed. Those who hold public trusts should carefully avoid putting themselves into situations where their private interests may conflict with an impartial discharge of their public duties. These remarks may also apply to the practice of employing any near relative of a member of the district board as a teacher.

It was held by the supreme court of New York, in the case of *Foster vs. La Rue*, (15 Barb., 323,) "that where a person is employed for a corporation, by one assuming to act in its behalf, and renders services according to the agreement, with the knowledge of its officers, and without objection on their part, or notice that the contract is not recognized, such corporation will be held to have sanctioned the contract and will be compelled to pay for the services according to the agreement; \* \* \* but when the contract is still executory, and nothing has been done under it, and the action is to recover damages merely for non-performance, it is for the plaintiff to show a legal contract binding upon the corporation.

#### ANNUAL DISTRICT REPORT.

SECTION 43. It shall be the duty of the clerk, between the first and tenth days of September, in each year, to make and transmit to the town, city, or village clerk a written report, dated on the first day of September of the year in which it shall be transmitted, signed by said district clerk and verified by his affidavit, showing:

*First.\** The number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the district on the last day of August previous to the making of such report, and the names of the parents or other persons with whom such children did respectively reside on the 31st day of August preceding such report. And it shall be the duty of the district clerk to classify those children who from defect of vis-

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\* See chapter 101 general laws 1871, section 1.

ion or of hearing or of intellect (under the heads of blind, deaf and dumb, and idiotic) are incapacitated for instruction in the common schools, and report the same to the State Superintendent, who shall publish the same in his annual report.

*Second.* \*The whole number of children, male and female, each designated separately, taught in the district school during the year for which such report is made, by teachers duly qualified, and the sum of the days attendance of all such children upon the school. Also, the number of children attending school during any part of the year, between the ages of four and seven, seven and fifteen, and fifteen and twenty, respectively; and to this end he shall require and instruct the teachers to enter the ages of all children attending school in the register; he shall also ascertain and report the whole number of children between the several ages named residing in the district on the last day of August previous to making such report.

*Third.* The number attending school (male and female being designated separately) during the year, under the age of four, and the number over the age of twenty years, and the sum of the days attendance of all such children upon the school.

*Fourth.* The whole time in days any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law, during the year ending on the thirty-first day of August preceding the making of such report.

*Fifth.* The names of all teachers employed during the year covered by the report, the number of days taught by each, including holidays, and the monthly wages paid to each.

*Sixth.* The amount of money received from the town treasurer, the amount received from district taxes, and the amount received from all other sources during the year ending on the thirty-first day of August preceding the date of the report, and the manner in which the same has been expended.

*Seventh.* The kind of books used in the school.

*Eighth.* Such other facts and statistics in relation to the schools, public or private, in such district, as the Superintendent of Public Instruction may from time to time require.

Blank forms for the reports of district clerks are annually prepared by the Superintendent of Public Instruction, with printed instructions in regard to the mode of filling them up, and are transmitted through town clerks to the district clerks. These blanks will, from time to time, require other information in addition to that specified in the above section, in order to enable the Superintendent to lay before the legislature a full report of the educational affairs of the State. It is of the highest importance

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\* See chapter 169, general laws 1871, Sec. 2.

that the annual district report should be promptly completed and deposited with the proper town clerk. Some explanations are given below in reference to each of the foregoing sub-sections:

1. The school year begins on the first day of September, and ends on the last day of August.

The law requires that the names of parents or other persons, with whom children to be enumerated reside, shall be written. The greatest care must be exercised in taking the census of the children of the district. It will be seen that the law also requires district clerks to classify all children prevented from attending school through defect of vision, hearing, or intellect. This humane provision is intended to be the source of information in regard to such unfortunate children, that efforts may be made to have them placed under instruction elsewhere.

For remarks on *residence*, see commentary on section 8. Domestic composing a part of the family, if less than twenty years of age are, to be enumerated. Mere *boarders* or *lodgers* are not to be included in the enumeration, for they are presumed to belong to families residing in some other district of the State; but persons who pay for their board and lodging by devoting a part of the day to work, in the service of the household, while the rest is spent in attendance at school, and *who have no other legal residence*, are considered as constituting members of the family with whom they reside. It must be borne in mind that the enumeration of one year is the basis of the apportionment of the next, and hence children should be enumerated in the district that is bound to furnish them instruction, that such district may receive an apportionment on their account, and care should be taken that children are not enumerated in two districts. (See remarks on section 19, under sub-section *eleventh*.)

Those children, whose parents do not reside in this State, should be included in the school-census; provided such children reside in a family of a district, and not in a mere boarding-school or other establishment for the purpose of education. Children in an orphan asylum are deemed the wards of the incorporated association that has them in charge, and are not to be included in the enumeration. Children supported at public charge now acquire a residence in the district where thus supported, and are to be instructed in



such district. The law relating to this subject is chapter 156, of the general laws of 1873, and is printed on a subsequent page.

All persons more than four and less than twenty years of age, who are themselves the masters or mistresses of families, are to be enumerated.

The law requiring districts with graded schools to hold their annual meeting the second Wednesday in July, does not at all affect the provisions of the foregoing section. In making the annual report, the school-year will be taken to end the 31st day of August, as before, and the school-census will be taken at the usual time.

2. The whole number of children, male and female designated separately, who have received instruction from legally qualified teachers since the first day of September of the year preceding, is to be stated, without regard to the fact of their attendance having been long or short, or of their parents having been residents or non-residents. The sum of the days attendance must be ascertained by an examination of the register of the school, which every teacher is required by law to keep, under the supervision of the district board. This sub-section also requires teachers to register the ages of all scholars attending school between 4 and 7, between 7 and 15, and between 15 and 20. District clerks are required to observe the same rule in taking the census of school-children. The object of this amendment is to ascertain the ages of children attending or not attending school each year, and it is hoped that parents as well as teachers and district clerks will co-operate readily in this purpose of the law.

3. It is to be hoped that the annual reports will show few in attendance at school less than four years of age. All that children need to learn before they are six years of age ought to be taught them at home.

4. The legal holidays in this State are New Year's day, the twenty-second of February, the fourth of July, the day of general (or fall) election, Christmas day, and all days of thanksgiving which are appointed by national or State authority. It is required that the whole number of days a school has been taught by a qualified teacher be stated, in order that the town clerk may apportion money to such districts only as have complied with the law. A district, to be entitled to share in the annual apportionment of the

income of the school-fund, must maintain a school at least five months of twenty days each, including legal holidays, and such school must be taught by a legally qualified teacher. In 1871, the law required five months of twenty-two days each, but was amended in 1872, and 100 days declared to be 5 months.

5. The monthly wages paid to a teacher includes all expenses incurred by the district on his account for board. If the district boards the teacher, the cost of board is to be added to the amount of monthly pay, and the sum of the two items constitutes his monthly wages.

For directions in regard to making the annual report, the clerk will carefully study the blanks which are furnished by the department of public instruction. In case a clerk fails to receive the blanks needed in time to make his annual report as required by law, he should, without delay, notify the State Superintendent of the fact, that they may be sent.

SECTION 44. The clerk of each joint school-district shall report to the town clerk of each town a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in the preceding section, and the number of days a school has been taught in the district by a qualified teacher, and the remainder of the items specified in the preceding section shall be embraced in the report made to the clerk of the town in which the school-house is situated.\*

The clerk of a joint school-district must report to the town clerk of each town, a part of which is embraced in his district, the number of children, male and female designated separately, over the age of four and under the age of twenty, residing in that part of the district lying in the town, to the clerk of which the report is sent. Care should be taken not to report to any town clerk a greater number of children over four and under twenty years of age than reside in that part of the district lying within his town. In some instances the whole number of children in a joint-district is reported to each town clerk, causing the district to receive more than its share of school-moneys distributed. This should be carefully avoided. He must also report the names of the parents or other persons with whom such children resided on the 31st day of August, preceding such report. He must also report to each town

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\*See Form No. 26.

clerk, whose town embraces any part of the district, the number of days a school has been taught in his district by a legally qualified teacher during the year covered by the report. This is obviously necessary to enable the town clerk to determine whether he can legally apportion money to the district.

In addition to the foregoing items, the clerk of a joint school-school-district will report all the other items called for in the general blank, to the clerk of the town containing that part of the district in which the school-house is situated.

#### SCHOOL-REPORTS FROM CITIES.

As will be seen by the law given below, cities are now required to make their annual reports directly to the State Superintendent.

[Chapter 128, *General Laws 1870.*]

SECTION 1. Each city of this State which is not under the jurisdiction of a county superintendent, in the matter of supervision of schools and examination of teachers, shall hereafter make the annual report required by sections 43, 57, and 139, of chapter 155, of the general laws of 1863, direct to the State Superintendent of Public Instruction, instead of to the county superintendent.

SECTION 2. In all cities having a superintendent of schools, said superintendent shall make the report as aforesaid, and in cities having no superintendent of schools, the report shall be made by the clerk of the board of education.

SECTION 3. The State Superintendent shall furnish suitable blanks on which to make the reports, and no school-moneys shall be apportioned to any city for any year for which the report shall not show that the number of children residing therein between the ages of four and twenty years, has been ascertained by an actual census taken by the city superintendent of schools, the clerk of the board of education, or some person or persons authorized to take such census by the aforesaid officers or other authorities of said city.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

#### SCHOOL-REGISTER.

SECTION 45. The clerk of each school-district shall furnish, at the expense of the district, a school-register, in the form prescribed by the Superintendent of Public Instruction, in which every teacher employed by the district board shall be required to enter the names, ages, and studies of all scholars attending school, and daily their attendance and absence, and such other facts as the county superintendent or State Superintendent may require, which register the

teacher shall deliver to the clerk at the time he shall cease to be employed by such district, or at any other time when the same may be required for the use of the district board; and the teacher shall make in writing, and transmit to the district board, or to the county superintendent, a report concerning any matter relating to his school, in such form and manner as said board or superintendent may prescribe.

It is the duty of the clerk to promptly furnish the teacher with the register, and to call his attention to section 131, of the school-law, which provides that, for willfully neglecting or refusing to comply with the requirements of law, relative to keeping the school-register, he shall forfeit his wages.

The form for a school-register is given in the appendix (No. 27.) Economy will be best subserved in the end, if a good and substantially bound book is procured for this purpose. Registers are not supplied by this department, but may be obtained at the bookstores.

The clerk should require the teacher to return the school-register, at the end of the term for which he is employed, and should ascertain that it has been properly kept, before he draws an order on the treasurer in payment of the teacher's wages. He should also frequently examine the register during the term, in order to secure that accuracy in the method of keeping it, which will enable him to make a reliable report to the town clerk. Teachers are required by this section, to render reports relating to their schools, and a refusal so to do is sufficient cause for annulling a certificate, or discharging the teacher thus violating the law.

#### DUTIES AND POWERS OF THE DISTRICT BOARD.

SECTION 46.\* The director, treasurer, and clerk shall constitute the district board. Meetings of the board may be called by any two members thereof by serving upon the other member a written notice of the time and place of such meeting, at least twenty-four hours before such meeting is to take place. But any meeting of the district board held within the limits of the school-district shall be considered legally constituted to do business, provided all the members are present, and do each then and there consent to call it a meeting of the district board; *and provided further*, that the board at any such meeting not previously called, shall not have power to purchase school-apparatus or to transact such other business as is provided for in sections 47, 51, and 53, of said code; and it shall be the duty of the district clerk to record the transactions of such

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\* See chapter 108, general laws 1868, and chapter 97, general laws 1875.

meetings, said record to be signed by the district clerk and the other members of the district board.

It will be seen by this section, as it stands amended, that the powers conferred by law upon the district board must be exercised by the board, meeting and deliberating at the same time and place, and not by one or two forming a determination and obtaining the assent of the absent. The decision of a majority at a meeting properly called is the decision of the board, but the decision of a majority, or even of all three, under other circumstances, is not the decision of the board. It is merely the concurrent opinion of the members of the board, and is no more the *decision* of the board than the concurrent opinion of the members of the legislature, arrived at by taking their separate votes at their respective homes, would be an act of the legislature. The law supposes that a majority may be convinced by a minority and change its determination, and therefore will not allow the majority to act without giving the minority due notice to participate. This principle applies to the action of the board in hiring a teacher as well as to other matters.

It is held in 16 Maine R., 185, that the dismissal of a teacher by two, a majority of the board, was illegal, because the third was not notified, although he was out of town. The court say, "that does not allow the majority to dispense with the rule requiring notice. They are not in such cases constituted the judges whether the notice would be effectual to secure his attendance. Nor would it be entirely safe to entrust them with such a power, as it would afford an opportunity to select an occasion when they might judge that a notice would be ineffectual, and thus, by neglecting to give it, free themselves from the presence of a dissenting minority. It may often happen that those will be able to attend who were believed to be so situated that their attendance could not be expected. Nor is there any difficulty in giving the requisite notice in such cases, as one left at the usual place of residence would be sufficient."

These views are fully sustained in a decision recently rendered by the United States District Court at Madison, in the case of First National Bank, *vs.* School-District No. 1, Oregon.

It will be seen, however, that by the amendment of this section, made in 1875, an accidental meeting of all the members of the

board may be called a legal meeting, by unanimous consent. At such a meeting the board cannot transact business in regard to a school-house site, or a school-house, or disposing of the same, the purchase of school-apparatus, or books for indigent children, or the adoption of a list of text-books.

In case of a vacancy in the district board, those in office possess all the powers of a full board for the purpose of filling such vacancy.

If two vacancies exist at the same time, the remaining member cannot fill them. It must be done by the town clerk.

A duty merely ministerial in its character, such as the execution of a determination of the district board, may be performed by a single member.

SECTION 47. The district board shall purchase or lease such a site for a school-house as shall have been designated by the district, in the corporate name thereof, and shall build, hire, or purchase such school-house out of the funds provided for that purpose, and make sale of any school-house, site, or other property belonging to the district, and, if necessary, execute a conveyance of the same in their name of office, when lawfully directed by the qualified voters of such district, at any annual or special meeting.

A school-district is a corporate body, and as such has perpetual succession and existence in its corporate name, and the capacity to hold real and personal estate for its corporate purposes. It possesses this power as a legal body, wholly distinct from the individuals which from time to time compose it. The district can act as a corporation only through its officers. The power to purchase or lease a site for a school-house, or to build, hire, or purchase a school-house, or to sell any school-house, site, or other property belongs exclusively to the district board. It is often the case that a building committee is appointed by the district to superintend the erection of a school-house. So far as a building committee aid the board by their advice and service in carrying out the wishes of the people of the district, there can be no objection. But the district board alone has power to bind the district by a contract, written or verbal, and the district has no power to supersede them by appointing a building committee, or any other agents. The district may, however, through a committee, procure plans and specifications for a school-house, and may select such a plan as is deemed

suitable, and limit the power of the district board to making a contract for erecting a house according to the plan and specifications adopted.

This is the only way of controlling the district board. It rests with the board to accept or reject the work, unless the people, in district meeting, have appointed or provided for the appointment of other arbiters. This may be done by directing it to be inserted in the contract with the builder, that the sufficiency of the materials and workmanship under the contract shall be determined by persons named in the resolution.

A stringent contract, which in all cases should be in writing, with proper provisions for the adjustment of any questions that may arise under it, will relieve the district board from much personal responsibility and trouble, as well as prevent quarrels and perhaps litigation, which are in any event disastrous.

The inhabitants of a district, assembled in district meeting, should give plain and specific instructions to the district board in regard to the matters referred to in this section. All votes relating to purchase or sale of site, school-house, or other district property should be taken by ayes and noes, and all proceedings should be entered at length upon the record book of the district.

SECTION 48.\* The said board shall have the care and keeping of the school-house and other property belonging to the district, except so far as the same shall be especially confided to the care of the clerk, including all books purchased by the district for the use of any children, and the said district board shall have power to purchase a record-book, in which the proceedings of the meetings of the district and of the district board shall be recorded, and a book for keeping in proper form the treasurer's accounts, together with such blanks and stationery as are necessary for doing the business of the district in an orderly and business-like manner, and such charts, maps, globes, and school-apparatus as they may deem necessary, not exceeding seventy-five dollars in amount in any one year; and the clerk of such district shall include the amount of such purchases in the next annual tax to be collected in such district; said charts, maps, globes, and apparatus shall be such as may have been approved by the Superintendent of Public Instruction, or by the county superintendent of the county in which said district is located, as of a character suitable for use in the schools of the State; *and provided further*, that such purchases shall be unanimously approved at a regular meeting of said board at which all the members thereof shall be present; *and provided further*, that a majority of

\* See chapter 281, general laws 1873, and chapter 235, general laws 1875.

the district board of any school-district in this State shall have the right to permit the school-house to be occupied by religious meetings, temperance meetings, and any other meetings which in the judgment of the majority of the board will aid in disseminating intelligence and good morals among the inhabitants of the district.

The board has exclusive control of the property of the district, including the school-house, unless it shall be especially confided to the care of the clerk. In either case it is important that the trust be faithfully discharged—that the furniture, books, fences, grounds, out-houses, etc., be carefully looked after. It will be convenient to devolve this care especially upon the clerk.

Under the amendment of this section, made by chapter 281, of the general laws of 1873, school-boards can purchase school-apparatus, annually, to an amount not exceeding \$75. This power needs to be exercised with much discretion and caution. The district has power to vote a tax for the same purpose, to the same amount. (See section 19, sub-section ninth.) When a district has already exercised this power, at the annual meeting, it is not necessary, nor would it be proper, for the board to purchase beyond that. Seventy-five dollars is quite as much as ordinary districts can afford to expend for apparatus in one year. If the district, however, takes no action, then the board, if they think best may purchase, and the apparatus most likely to be useful in the public schools is:

1. Reading charts, phonetic charts, reading frames or cases, writing spellers.
2. Writing charts, drawing charts, drawing books.
3. Numeral frames, arithmetical charts, arithmetical frames, cube-root blocks, geometrical forms.
4. Outline maps, and especially a map of Wisconsin, a map of the United States, and a map of the world; also globes and map-drawing scales.
5. Charts illustrating natural history, physiology, and natural science, including color charts.
6. Blackboards, clock, call-bell, thermometer, microscope, magnet.

The articles first named under each of the above heads are most needed.

In purchasing, school-boards would do well to deal directly with



the houses in Chicago or elsewhere, which make a business of furnishing school-apparatus. To this end correspondence may be opened with them and circulars and price-lists obtained. It is recommended that school-boards first select the simpler and more necessary apparatus of which the district may be destitute, and that they be cautious in giving orders beyond the reasonable ability of the district to pay. It is also suggested that it will be a waste of money to purchase apparatus which the class of teachers employed will not be likely to make use of. In selecting a teacher, his or her knowledge of common apparatus, and ability to use it, is to be taken into account as an important qualification. When anything is purchased, measures should be taken at once for its preservation, and to this end a case or closet with shelves is needed, which should be under lock and key. It will be useful to take advice of the county superintendent and of experienced teachers in making a choice of articles. The county superintendents are authorized by law to approve such apparatus as in their judgment is best suited to the schools.

The question often arises as to what use may be made of the school-house. This question may be viewed in two aspects, that of custom, and that of law. It has been customary to allow school-houses to be used, at proper times, for religious, literary, and other meetings; and so long as no injury is done to the property and no detriment arises to the school from such use of the school-house, it is unobjectionable. It is often the only place in the neighborhood in which any kind of public meeting can be held, and the board will not usually be blamed for allowing a discreet use to be made of the building. They are authorized to do this, as the law now stands, but if a majority, or even minority of the tax-payers are opposed to having the school-house used for any other than school-purposes, it may be better for the board not to allow the house to opened.

SECTION 49. The district board shall provide the necessary appendages for the school-house, and keep the same in good condition and repair during the time a school shall be taught therein; and they shall keep an accurate account of all expenses incurred by them, and present such account for allowance to the qualified voters, at a regular district meeting; and the amount of such account, as allowed by such meeting, may be assessed and collected in

the same manner as other district taxes, but no such account shall be allowed at a special district meeting, unless the intention to present the same shall be specified in the notice for such meeting.

It is the duty of the district board to provide the necessary appendages for the school-house without waiting for instructions so to do from the people of the district. They are also required to keep the school-house in good condition and repair during the time a school shall be taught therein. This duty should be promptly and efficiently performed. Under this section the board has power to cause to be built suitable out-houses, and to provide blackboards, etc., necessary to the successful management of the school.

SECTION 50.\* The said board shall have power to fill by appointment any vacancy that may occur in their own number, within ten days after such vacancy shall occur, and if such vacancy shall not be filled within ten days, as aforesaid, by said board, it shall be the duty of the town clerk to fill such vacancy by appointment. Any person appointed to fill a vacancy, upon being notified of such appointment, shall be deemed to have accepted the same, unless he shall within five days thereafter, file with the clerk or director a written refusal to serve; and any person appointed to fill a vacancy, shall hold the office until the annual meeting succeeding such appointment. In case a vacancy shall occur in a joint district, and shall not be filled by the district board, the clerk of the town in which the school-house is situated shall fill such vacancy, but his appointment shall be indorsed by the clerks of the other town or towns embracing a part of said joint district.†

Vacancies may occur, occasioned by death; refusal to serve (see comment upon section 31;) removal from the district; resignation of office; conviction of crime; expiration of term of service; and removal from office by the governor or county judge.

The power of the district board and town clerk under this section to fill vacancies, is confined to vacancies resulting from the foregoing causes. They are not authorized to set aside an election on the ground of a legal incapacity existing at the time, and which the voters disregarded. They must, of necessity, decide in view of the facts, that a vacancy exists, and in the order making the appointment, the facts which have caused the vacancy should be stated.

In case of expiration of a term of service and no election to fill

\* See section 3, chapter 169, general laws 1871. † See forms Nos. 30, 31, and 32.

the vacancy, it is to be understood that the term does not actually expire until ten days after the annual meeting. The board then has power, for ten days, to fill the vacancy, and the town clerk has therefore no power to fill it, until twenty days after the annual meeting. When two vacancies in the board exist at the same time, the town clerk must appoint.

A person should not be re-appointed who refuses to serve, or whose resignation has been accepted. The statute regards the penalty for refusing to serve as an equivalent for the service. (See section 124.)

In case of appointment, the term of office of the appointee expires at the next annual meeting, and if a successor is not then elected, the incumbent cannot hold the office more than ten days after the annual meeting. It then becomes the duty of the board to fill such vacancy, and if they neglect to fill it, this duty devolves on the town clerk. In case it becomes thus necessary to fill a vacancy in a joint district, the law now prescribes that the appointment shall be by the joint action of the clerks of all the towns concerned, the clerk of the town containing the school-house taking the initiative, but obtaining the indorsement of the other clerk or clerks.

SECTION 51. The district board may purchase, at the expense of the district, when parents or guardians may not be able to furnish the same, such school-books as in their judgment may be necessary for the use of any children attending school in their district, and they may include the amount of such purchase in any tax to be collected in such district.

A correct account of all purchases made under authority of this section should be kept and submitted to the annual meeting. The books thus purchased do not become the property of those using them. They belong to the district, and the teacher should be directed to see that they are returned at the close of the term, and that they are preserved as other books belonging to the district.

SECTION 52. The board shall have power to make all needful rules and regulations for the organization, gradation, and government of the school or schools established in the district; said rules to take effect and be in force when a copy of the same, signed by a majority of the board, shall be filed with the clerk; to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher with their consent; and to ex-

pel from the school any pupil who shall persistently refuse or neglect to obey the rules and regulations above mentioned, whenever, upon due examination, they shall become satisfied that the interests of the school demand such expulsion.

The rules and regulations adopted by the district board should be recorded in their minutes, and a copy thereof should be posted in the school-room. The rules should be such as the good of the school seems to require. They should be comprehensive and reasonable. They should be so framed as to *aid* the teacher rather than to *supplant* him. The district board have full authority to organize, regulate, grade, and classify the school, but in all matters of this kind they will act under the advice, and so far as practicable, with the consent of the teacher. The teacher, in the school-room, is the *executive* officer of the board. He must govern the school under the law, and according to such rules as are made in accordance therewith. The rules and regulations made by the board must guide him until they are set aside by competent authority.

The board have authority to suspend any pupil from the privileges of the school for non-compliance with the rules established by them, or by the teacher, with their consent. The right to attend a common school is a common, not an exclusive personal right. The supreme court of Massachusetts (8 Cush., Mass., R. 164,) says, in reference to this right, "like other common rights, (that of way for instance,) it must be exercised under such limitations and restrictions, that it shall not interfere with the equal and co-extensive rights of others. Take the case of a contagious disease, can it be doubted that the presence of a pupil infected could be lawfully prohibited, not for any fault, or crime, or wrong conduct, but simply because his attempt to insist on his right to attend, under such circumstances, would be dangerous and noxious, and so an interruption to the equal and common right?" In the same case, the court held that school-officers have a right to exclude a child for open, gross immorality, manifested by licentious language, manners and habits, though not manifested by acts of licentiousness or immorality within the school; for, says the court, "it is as necessary in the unreserved intercourse of pupils of the same school, as well without as within its precincts, to preserve the pure-minded, ingenious, and unsuspecting children of both sexes from the contaminating influence of those of depraved sentiments and vicious pro-

pensities and habits, as from those infected with contagious diseases.

While there can be no doubt that the board have the power to exclude a child, not for punishment merely, but for the protection of others from vicious influences that would defeat the object for which the school is organized, yet we are not to forget that humanity dictates that we deal gently with erring childhood. Education seeks to deter from vice, and also to reclaim those who have become vicious through parental neglect or parental example. Remonstrance and persuasion must be exhausted before suspension from school can be justified. Expulsion from school is justified only by such insubordination on the part of the pupil as to render it impossible to maintain order and discipline without excluding him. The district board should, however, exercise this power, only after an earnest effort to avoid a resort to it. Teachers are not without infirmities, and their calling sometimes aggravates them; and it is the duty of the board to know that there has been no oppressive exercise of power which has led to the insubordination that is made the occasion of a punishment so severe. Power must always be tempered by benignity, and justice must be administered in the spirit of mercy.

In case the board neglects to make and establish rules, as provided for in this section, the teacher is not therefore inhibited from managing and governing the school according to his best judgment, nor can any advantage be taken of the fact that his rules have not been consented to by the board. In case of serious insubordination he should call upon the board to sustain his authority; and when so called upon, the board should be careful not to weaken his authority by criticising his conduct before the school.

The opinion which has obtained considerable currency in this State, that teachers are not allowed to punish pupils in school, is unfounded. The opinion in question arose from a misunderstanding of a recent decision by the supreme court, (*Morrow vs. Wood*, 35 Wis., 59.) This decision was to the effect merely that where a parent directs a child not to take a certain study in school the teacher cannot lawfully punish the child for not getting lessons in that study.

SECTION 53.\* The board in each school-district shall have power

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\*Amended by chapter 156, general laws 1868.

under the advice of the Superintendent of Public Instruction to determine what school and text-books shall be used in the several branches taught in the schools of such district. They shall make out a list of books to be used in each branch of study pursued in such school, and shall file a copy of such list with the district clerk and put up one copy in the school-house of such district; and when said list of books is adopted, it shall not be changed for the term of three years; and any member of a district board in any school-district in this State, or any member of the board of education of any city or incorporated village of this State, in which a list of text-books has been adopted according to the provisions of this section who shall, within three years from the date of such adoption, order a change of text-books in such district, shall forfeit a sum of fifty dollars.

It is unwise in the district board to make sudden and sweeping changes in text-books. Such changes as are necessary to secure uniformity in the school should be made. This is so obvious, and so generally admitted as to need no argument. The board should determine, by resolution, what school and text-books shall be used, and then, after duly recording the resolution, and posting a copy in the school-room, they should see that the books adopted are introduced and used. While the power to select books is left by law exclusively in the hands of the district board, it is, nevertheless, proper for them to consult with teachers in regard to the subject.

In selecting text-books all works of a controversial or sectarian tendency should be excluded.

After a series of books, or any single book, map, or chart, card, etc., has been adopted, no other work on the same subject can be substituted for such series, book, map, etc., within three years, but a new book, on a new subject of study, may be added to the list at any time. The law does not require that the list should be changed every three years, but it expressly prohibits changes in text-books until they have been in use three years; and it will be observed that a penalty is now attached to the violation of the law.

School officers will find in the annual report of the Superintendent of Public Instruction, such recommendations in regard to text-books, as that officer, in the discharge of the duty imposed upon him by statute, has to make.

We would here call attention to the law of 1875, chapter 315, which authorizes districts to purchase text-books. The law is printed at the end of this chapter.

SECTION 54. It shall be the duty of the district board to visit the school or schools under their care, to examine into the condition of the school and the progress of the pupils, to advise and consult with the teacher in reference to methods of instruction, management, and government, and to exercise such general supervision as is necessary to carry out the provisions of this chapter.

A careful performance of the duty imposed by this section would increase the efficiency of our schools. The members of the district board should visit the school frequently. These visits should be informal, and should be marked by courtesy towards the teacher, and kindness towards the pupils; but classes should be examined, and the management of the school should be carefully observed. An arrangement that will enable the members of the board to visit the school in turn, and that will secure a report in writing from each person visiting it, is very desirable.

The board should also invite competent and prudent persons to examine the school, and to report to them in writing the result of such examination. No business can be successfully conducted without faithful and intelligent supervision. This obvious rule is especially applicable to educational affairs.

#### BRANCHES TO BE TAUGHT IN SCHOOL.

SECTION 55. Orthography, reading, writing, English grammar, geography and arithmetic shall be taught in every district school, and such other branches as may be determined upon by the district board; *provided*, that no branch of study shall be taught in any other than the English language.

The law wisely provides that those branches essential to a good education should be taught in every public school, and that all branches of study shall be taught in the English language.

The district board should avoid the introduction of any branch of study, aside from those required by law, which will tend to practically exclude the foregoing. They should insist upon the school being so conducted as to secure daily instruction and daily practice in reading, spelling, and writing. These branches are often neglected, and others such as algebra, Latin, and rhetoric are introduced, to the detriment of all the scholars in the school. It is especially necessary that teachers should require their pupils to *write* in connection with every school exercise, from the primary school to the university.

The law contemplates an English school. The object of the public school is to educate children so as to make them good citizens. Its instruction, discipline, and government must be of such a character as to prepare the young to discharge their duties as citizens of a country where the language of the courts, the legislature, and the people is the English language. To secure the requisite ability on the part of the teacher to carry out this provision of the law, section 102 provides "that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness." Teachers who speak other than the English language, may be employed, and their knowledge of German or Norwegian may be of great use in teaching the children of these nationalities, but every teacher must speak, write, and read English before he is legally qualified to teach a public school.

#### INSTRUCTION IN FOREIGN LANGUAGES.

[Chapter 50, *General Laws of 1869.*]

SECTION 1. The district board of any school district, or the board of education of any incorporated village or city in this State, may provide for the instruction of the pupils of the common schools in their district, or such as may desire it, in any of the foreign languages, not to exceed one hour each day; *provided*, the teacher of such school is competent to give such instruction, or a proper instructor for such purpose can be obtained.

SECTION 2. All acts or parts of acts, so far as they are inconsistent with this act, are hereby repealed.

In consequence of the large and increasing number of persons of foreign birth in this State, a law was enacted at the session of 1869, which provides that one hour in each day may be given to instruction in foreign languages. The intention of this law is not to encourage, but rather to limit the introduction of other languages than the English into common schools. While it is natural that persons of foreign birth should wish their children to read as well as speak their native tongue, it is the policy of the State to provide that all may learn the common language of the country. The law in question was not intended to affect instruction in the classical or modern languages when the same form a part of a course of study in high schools.



## INSTRUCTION IN THE CONSTITUTIONS.

[Chapter 14, *General Laws of 1871.*]

SECTION 1. From and after the first day of September, 1871, the constitution of the United States and the constitution of the State of Wisconsin shall be taught in all the common schools of this State.

The law does not require that the constitution shall be taught to all pupils, irrespective of age, but to such as are advanced enough to receive instruction with benefit. For this purpose text-books have been printed at the expense of the State, and six copies, if desired, will be sent to any district clerk, on application, if the district has not already been supplied. Graded schools are entitled to six copies for each department.

## EMPLOYMENT OF TEACHERS.

[Chapter 101, *General Laws of 1872.*]

The majority of the district board shall contract with and hire duly qualified teachers for and in the name of the district, and said contract shall specify the wages per week, month, or year, as agreed upon by the parties, and said contract so completed shall be filed in the office of the district clerk, with a copy of the certificate of the teacher so employed attached thereto, and a copy of such contract shall be furnished by the clerk to the teacher.

This act, which amended chapter 169, of the general laws of 1871, (which amended section 42, of the general school-law of 1863,) is inserted as section 42, on a previous page, of which it takes the place. It gives the power of hiring teachers to the board instead of the clerk. The reader is referred to section 42 for comments.

## ATTENDANCE OF TEACHERS UPON INSTITUTES.

[Chapter 157, *General Laws of 1869—Relating to Normal Schools.*]

SECTION 43. The district board of any school-district are hereby authorized in their discretion to give to the teachers employed by them the whole or any part of the time spent by such teacher or teachers in attending any regular session or sessions of an institute in the county embracing the school-district or any part thereof, without deducting anything from his or their wages for the time so spent; *provided*, such teacher or teachers shall furnish to the clerk of the district a certificate of regular attendance at such institute, signed by the person conducting the same; and whenever the report of the district clerk shows that the district school has been

supported for the full term of five months required by law, including the time spent by the teacher or teachers in their employ in attendance at such institute, and that the district board have given to the teacher or teachers the time of such absence, and have not deducted from his or their wages for the time so spent, such district shall be included in the annual apportionment of the income of the school fund; *provided always*, that such school-district shall have complied with the laws in all other respects, and is entitled to share in such apportionment.

It is recommended to school-boards to exercise the power here given to them, and allow teachers to attend the institutes, without deducting the time. The schools will be the gainers, by this general policy. The certificate of attendance required by the law should be produced by the teacher.

#### DUTIES OF TOWN TREASURERS.

SECTION 56. It shall be the duty of the town treasurer of each town:

1. To apply for and receive from the county treasurers all moneys apportioned for the use of common schools in his town, and to pay the same, together with all moneys raised in the town for the support of schools, to the treasurers of the districts entitled to receive them, upon the order or apportionment of the town clerk.

2. To pay over to the district treasurer, on demand, all school-district taxes raised in each district and collected by him, and the amount of all school-district taxes returned to the county treasurer of his county as delinquent, whenever the same shall have been collected and paid over by said county treasurer; or, if such town treasurer shall receive credit from the county treasurer for such delinquent tax, or any part thereof, on account of any demand or claim due from such town to said county, then the said town treasurer shall pay over the amount of such delinquent tax, or the part for which credit has been so received, to the treasurer of the proper school-district, on demand thereafter.

3. On or before the second Monday of March, in each year, to certify to the town clerk the amount of school-moneys in his hands, to be apportioned by said clerk, and immediately upon the receipt of any moneys from the State school fund to certify the same to the clerk, for apportionment.\*

The town treasurer will hold, subject to the order of the several district treasurers of his town, all district taxes collected by him. Also all money raised by taxes levied upon the town by the county board of supervisors, and all money raised by the town in addition thereto, and pay the same over to the several district treasurers, ac-

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\* See Form No. 33.

ording to the apportionment made by the town clerk under the law. He will also receive from the county treasurer, the amount apportioned by the superintendent of public instruction to his town, out of the income of the school-fund, and pay the same over to the district treasurer according to the apportionment made by the town clerk. The town treasurer will also receive all money paid on account of delinquent taxes, and pay the same over to the proper district treasurers. No school taxes except district taxes will be returned delinquent, if the law is complied with. (See section 92, chapter 18, of the revised statutes.)

It is the duty of the town treasurer to notify the town clerk of any money which he holds subject to apportionment by said town clerk, and to inform district treasurers promptly of any funds in the town treasury belonging to the respective districts.

District treasurers are not required to accept any taxes or school funds from the town treasurer in anything but cash.

The certificate required to be made on or before the second Monday in March, in each year, must state specifically the several amounts received from town and county tax, and the amount of income unapportioned which remains in the town treasury; it must also include any money apportioned the previous year, which has not been paid over to the district treasurers.

The following enactment is of interest to school-districts and school-officers:

[Chapter 46—Laws of 1874.]

It shall be the duty of town treasurers of every town in this State to make annually, on the last Monday in June in each year, and forward to the school-district clerk of each and every school-district and parts of school-districts in his town, a certified statement showing the amount of money paid by the town treasurer during the year next preceding to the treasurer of such district; statement shall specify the date of each payment, the amount of such payment and the account upon which such payment is made.

#### DUTIES OF TOWN CLERK.

SECTION 57. It shall be the duty of the town clerk, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the superintendent of schools for the county, a report in writing, bearing date on the fifteenth day of September, in the year of its transmission, stating—

1st. The whole number of school-districts separately set off within the town.

2d. The districts and parts of districts from which reports shall have been made to him, or his immediate predecessor in office, within the time limited for that purpose.

3d. The length of time a school shall have been taught in each of such districts or parts of districts.

4th. The amount of public moneys received in each of such districts and parts of districts.

5th. The number of children taught in each, and the number of children over the age of four and under the age of twenty years, residing in each.

6th. The whole amount of money received in the town for school-purposes since the date of the last preceding report, setting forth, separately, the amount received from the State through the county treasurer, the amount levied by the county board of supervisors, and the amount raised by the town at its annual meeting.

7th. The amount of money raised by district tax for school-purposes.

8th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the State Superintendent may from time to time require.\*

Blank reports, prepared by the Superintendent of Public Instruction are annually sent to town clerks. Such instructions as are needed always accompany the blanks.

In towns which have adopted the "township-system of school-government," provided for in chapter 182, of the general laws of 1869, the report required in the foregoing section will be made by the "secretary of the town board of school-directors." This law will be found on subsequent pages.

SECTION 58. It shall be the duty of the town clerk to see that the annual reports of the clerks of the several school-districts in his town are made correctly and in due time, and to receive and keep all such reports made to him by the district clerks, with all orders and notices of the town board of supervisors relative to the formation or alteration of school-districts, and file them in his office; and he shall record, in a book kept for that purpose, such description of school-districts and organization or alteration thereof, as shall be furnished him by the board of supervisors. He shall also make and keep in his office a map of the town, showing the exact boundaries of all the school-districts therein, as appears from records on file, and when a new district is formed, shall furnish a map thereof to the district clerk. He shall within ten days after his election or appointment, report his name and post-office address to the county

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\* See Form No. 34.

superintendent of schools; and the name and post-office address of each district clerk, within ten days after the filing of the same in his office. It shall also be the duty of the town clerk to apportion the school-moneys raised by the town and collected by the town treasurer, on the third Monday of March, and those received from the State, through the county treasurer, on the third Monday of June in each year, or as soon thereafter as the same shall be collected or received by the town treasurer, to the several districts and parts of districts within the town, in proportion to the number of children residing in each, over the age of four and under the age of twenty years, as the same shall appear from the last annual reports of their respective clerks.\*

SECTION 59. No money shall be apportioned to any district or part of a district, unless it shall appear by the report thereof, verified by the affidavit of the clerk of said district or part of a district, that a school has been taught therein, by a duly qualified teacher, for at least five months during the year ending at the date of such report, and that all school-moneys received during that year from the income of the school-fund, have been applied to the payment of the wages of a legally qualified teacher.

The duties of town clerks are set forth so plainly as to need no special comment. It is to be observed, however, that all moneys apportioned by the town clerk must be apportioned according to the number of persons over four and under twenty years of age residing in the several districts and parts of districts of his town, in which five months' school have been maintained during the past year. Money must not be apportioned to any district that does not furnish the evidence required by section 59:

1. That a school has been taught therein.
2. That the teacher thereof was duly qualified.
3. That the school was maintained at least five months during the year (including legal holidays); and,
4. That an amount equal to that received from the income of the school-fund has been applied to the payment of teachers' wages.

#### WHAT CONSTITUTES FIVE MONTHS.

[Chapter 11, *General Laws 1872*, amending chapter 168, *General Laws 1871*.]

SECTION 2. In the apportionment of school-moneys in the year 1871, and annually thereafter, one hundred days shall be understood to constitute the five months required by section fifty-nine, of the general school-law.

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\* See Forms Nos. 35 and 36.

It will be seen by the foregoing section of the law of 1872, that one hundred days constitute five months, instead of one hundred and ten, as required by the law of 1871.

DISTRICTS ENTITLED TO SCHOOL-MONEY IN CERTAIN CASES.

SECTION 60. If, after the time when the annual reports of the school-districts are required to be dated, and before the apportionment of school-moneys shall be made, a district shall be duly altered, or a new district shall be formed in the town, so as to render an apportionment founded on such annual reports unjust, as between two or more districts of the town, the town clerk shall make an apportionment to such districts, according to the number of children in each, over the age of four and under the age of twenty years, ascertaining the number by the best evidence within his reach.

SECTION 61. All moneys apportioned by the town clerk to any district or part of a district, which shall have remained in the hands of the town treasurer, for one year after such apportionment, by reason of such district or part of a district neglecting or refusing to receive the same, shall be added to the moneys next thereafter to be apportioned by such town clerk to the several districts and parts of districts in such town, and apportioned therewith.

No new district is entitled to any public money until it shall have had a five months' school; but, if an alteration of a district be made, and a new district be formed as the result of such alteration, between the time of making the annual report and the time for making the next apportionment, the money drawn on account of the pupils thus set off from a district, after being reported as pupils of that district, must be paid to the district in which such pupils are found.

Public money of any kind remaining in the hands of the town treasurer, for one year, after having been apportioned by the town clerk, must be added to the amount to be apportioned for the next year.

STATEMENT OF DISTRICT TAXES.

SECTION 62.\* The clerk of each school-district shall, on or before the first Monday of November, in each year, deliver to the town clerk of the town in which the district is situated, a statement in writing, verified by his affidavit, showing the amount of the tax or taxes voted to be raised at the last preceding annual meeting, or at the first meeting after the organization of the district, or both, as

\* See chapter 81, general laws 1869.

the case may require, and the tax voted at any special meeting held between the time of the annual meeting and the first Monday of November, together with a list of all persons and corporations liable to a school-district tax therein. In case of a joint district he shall deliver to the town clerk of each town in which any part of the district is situated, a statement so verified, showing the proportion of tax to be so assessed in that part of the district within such town, together with a list of all persons and corporations liable to a school-district tax in that part of the district. Such proportion shall be ascertained from the valuation contained in the last assessment-rolls of the respective towns, and to enable the district clerk to ascertain the same, the town clerk of each such town shall, on demand at any time after he has received the equalized assessment-roll of his town, deliver to the clerk of any such joint district, a certified statement of the valuation of real and personal property in that part of such district lying within his town, as the same appears from said assessment roll.\*

Chapter 81, of the general laws of 1869, changed this section so as to require each district clerk to deliver his statement to the town clerk on or before the *first* instead of the *fourth* Monday of November in each year; and taxes can be voted at a special meeting subsequent to the annual meeting and included in this statement, only up to said first Monday. (See Sec. 64.)

The district clerk is not required to assess the tax, nor to describe the real or personal property of those liable to a tax, but only to return the names of persons and corporations thus liable.

By act of April 1, 1854, railroads and plankroads are exempt from all but a State tax. All other property can be taxed for school, the same as for other purposes.

#### ASSESSMENT OF PERSONAL PROPERTY.

[Chapter 207, General Laws 1876, Amending Chapter 78, of 1873.]

The board of assessors shall place upon the assessment-roll, opposite the name of each person liable to assessment on personal property, in a volume prepared for that purpose, the number of the school-district in which such personal property is subject to taxation.

#### ASSESSMENT OF DISTRICT TAX.

SECTION 63. The town clerk shall assess said tax, or the due proportion thereof, upon the real and personal property liable there-to, placing the same in a separate column in the next assessment-

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\* See Forms, Nos. 37 and 38.

roll of his town, delivered to the town treasurer for collection, whenever such certificate of the district clerk shall be received by him in time therefor, although after the fourth [first] \*Monday of November; and if, for any reason, such tax shall not be assessed in the next assessment-roll after the tax is voted, it shall be assessed in that of the next succeeding year. The tax shall in all respects be collected or returned delinquent like other taxes, and when collected, the money shall be paid over to the district treasurer; *provided*, that if there shall be a deficiency in cash funds in the town treasury to pay all the charges thereon in any year, then the town treasurer shall set apart a sufficient amount of such funds to pay in full the amount of moneys levied and assessed for common-school purposes, and returned taxes collected for any school-district; *and provided, further*, that merchants' and manufacturers' stock shall be liable to assessment for school-tax only in the school-district where the same is situated.

The town clerk is required by law to deliver the tax-roll to the collector on or before the second Monday of December, and if the district clerk should neglect until that time to deliver the statement required by section 62, the tax cannot be collected until the following year. For this reason the statement is required earlier than formerly, as stated before.

Upon the delivery to him of such statement, the town clerk should give the district clerk a certificate that he has received the same, stating the amount of the tax, and the time when received, which certificate should be filed in the office of the district clerk.

Care should be exercised lest the school-district taxes be aggregated with the town school taxes.

If, in any case, the district clerk fails to report the tax to be raised, until it is too late to have the same entered upon the town tax-list, and the district needs the money, a special meeting may be called which may rescind the acts of the annual meeting, recall the list certified to the town clerk, and vote a special tax to be collected as provided for in sections 64 to 75 inclusive.

#### LEVY AND COLLECTION OF TAXES BY DISTRICT OFFICERS.

SECTION 64. Any tax voted at a special meeting held at a time not specified in section sixty-two, of this chapter, shall be assessed by the district clerk and collected by the district treasurer in the manner hereinafter provided, unless the meeting which voted such tax shall determine that the same shall be collected by the town treasurer, in which case the district clerk shall include such tax in

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\* See section 62.



the statement which by section sixty-two, of this chapter he is required to deliver to the town clerk on or before the fourth Monday of November.

SECTION 65. The clerk of each school-district shall make out the tax-list, and shall enter therein the names of all persons liable to pay a school-district tax in such district, the amount of personal property to be taxed to each such person, and a description of all the taxable real estate in such district; and he shall set opposite to each description of taxable property, the valuation of the same and the amount of tax charged upon such property, and to each person respectively. Such description and valuation of taxable property shall be ascertained so far as possible from the last assessment-roll of the town.\*

SECTION 66. The warrant annexed to such tax-list shall be under the hand of the clerk of the district and shall command the treasurer of such district, to collect from each of the taxable persons and corporations named in such tax-list, and of the owners of the real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within forty days from the date thereof; and within ten days from the date of such warrant, to personally demand such tax of the persons charged therewith in such lists, if they be found within his town; and that if any such tax shall not be paid within said ten days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes; and the said treasurer shall execute said warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax-list.†

SECTION 67. If any tax on real estate, in any tax-list delivered to the treasurer of any district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the town clerk of his town, a statement in writing, containing a description of the lots and pieces of land upon which such taxes remain so unpaid, together with the amount of tax assessed to each; and he shall make and subscribe an affidavit to such statement, before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school-district shall embrace parts of more than one town, such treasurer shall make his return as aforesaid, to the town clerks of all the towns in which the parts of such district shall be situated.‡

SECTION 68. The town clerk, upon delivery to him of such statement, shall give a certificate to the treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such treasurer, which certificate shall be deposited by the treasurer with the district clerk, and shall be filed by such clerk.||

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\* See Form No. 39.

‡ See Form No. 41.

† See Form No. 40.

|| See Form No. 42.

SECTION 69. The town clerk shall, in making out the duplicate assessment-roll of the town next thereafter, enter such unpaid taxes in a separate column therein, opposite the description of the land upon which taxes so remain unpaid, and such taxes shall be collected in the same manner as town and county taxes are collected; and when so collected shall be paid over to the treasurer of the district in which such taxes were originally assessed.

SECTION 70. The warrant issued by the clerk of any school-district for the collection of any district tax authorized to be raised and collected by section sixty-four of this chapter, may be executed in any other district or town in the same county, or in any other county in which any part of such district is situated, when the district is composed of parts of two or more adjoining counties, and such warrant shall have the like force and effect as a warrant issued by a town clerk for the collection of town and county taxes; and the treasurer of the district to whom any warrant may be delivered for the collection of a tax-list, shall possess the like powers in the execution of the same as are conferred by law upon the treasurers of towns in the collection of town and county taxes.

SECTION 71. Whenever any error shall be discovered in any district tax-list, and made to appear to the district board, they may authorize and empower the clerk to amend and correct such error in said tax-list, and may order any moneys which may have been improperly collected on such tax-list, to be refunded.

SECTION 82. Whenever the clerk of any district shall deem it necessary, he may renew the warrant annexed to any tax-list in his district for thirty days, but he shall not have power to renew such warrant more than once, without the consent of the town clerk of the town in which the school-house of such district shall be located, which consent shall be indorsed on such warrant.\*

SECTION 73. When any district tax shall be lawfully assessed and paid by any person on account of any real property whereof he is only a tenant at will, or for any period not exceeding three years, such tenant may charge and collect of the owner of such real estate the amount of the tax so paid by him, unless some agreement to the contrary shall have been made by such tenant.

SECTION 74. Whenever any real estate in any school-district shall not have been separately valued in the assessment-roll of the town, and the valuation of such real estate can not be definitely ascertained from such assessment-roll, the district board of such district shall estimate the value of the same in proportion to the valuation affixed in said assessment-roll to the whole tract of which such lot or piece of land forms a part.

In case of special district taxes, not mentioned in section 62, the district clerk issues the warrant directly to the district treasurer, who makes his return to the district board, and returns the delinquent tax-list to the town clerk, by whom it should be regularly entered in the next assessment-roll of the town.

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\* See Form No. 43.

## EQUALIZATION OF TAXES IN JOINT DISTRICTS.

SECTION 75.\* Whenever a school-district embraces a part of more than one town, it shall be the duty of the town assessors of the towns so in part embraced, and they are hereby required to meet at the school-house in such district on or before the Saturday next preceding the time fixed by law for the return by the town assessors of the assessment-rolls to the clerk of the county board, and shall proceed to inquire and determine whether the valuation of taxable property in the assessment rolls of such towns are just, as compared with the other, and if considered not to be so, they shall determine the relative proportion of taxes to be assessed upon the real estate of the parts of such district so lying in different towns. If the assessors cannot agree as to the valuation of the real estate of the different parts of the joint districts and the proportionate amount of tax to be assessed on each part, they shall call to their aid the supervisors of the several towns so embraced; and if the assessors and supervisors cannot determine the question, they shall call to their aid the chairman of the board of supervisors of an adjoining town, whose vote shall decide the question at issue. Each assessor or supervisor refusing or neglecting to act when applied to as above set forth, shall be liable to a penalty of twenty dollars to be recovered by an action which may be brought and prosecuted by any person applying for relief in the matter of taxation.

In all cases where a school-district is formed of part of two or more towns, and whenever there may have been errors or omissions so as to render the school-tax levied upon the property in any of said towns irregular or illegal, and said tax shall not be paid, it shall be the duty of the district clerk, when he certifies the amount to be collected for the succeeding year, to also certify the amount so delinquent, to the clerk of said town, who shall apportion the same in the same manner as is now provided by law for taxes regularly assessed.†

The change made in this section devolves the duty of equalizing taxes in joint districts upon the town assessors instead of the town supervisors, as under the former law, but if they cannot agree, they call in the supervisors, and if still unable, the chairman of a neighboring board, whose vote decides the question.

## TOWNS MAY RAISE ADDITIONAL TAXES.

SECTION 76. The qualified electors of each town shall have power, at any legal meeting thereof, to vote to raise such a sum of money for the support of the common schools, in addition to the amount required by law to be raised as they may deem necessary.

\*See chapter 98, of general laws of 1871.

†See Form No. 44.

## ON WHAT PROPERTY TAXES MAY BE ASSESSED.

SECTION 77. All taxes raised and collected in any school-district for any of the purposes authorized by the provisions of this chapter, except when otherwise provided, shall be assessed on the same kind of property as taxes for town and county purposes are assessed.

## ESTABLISHMENT OF SCHOOL-HOUSE SITES.

SECTION 78.\* Whenever a school-district shall be unable to obtain the school-house site, or addition to such site, selected or designated by a majority of the electors thereof present at a regular meeting or at a special meeting called for that purpose, on account of the refusal of the owner to sell or lease the same for a just and reasonable compensation, or on account of the owner being a non-resident, such site may be located and established by the town board of supervisors in the manner hereinafter provided.

The town boards of supervisors are not to select school-house sites; their duty is to locate and establish them after they shall have been designated or selected by the electors of the district desiring to obtain the same. This section was so amended by chapter 151, of the general laws of 1868, as to enable the supervisors to locate and establish an *addition* to a site as well as the original site.

SECTION 79. Whenever the electors of any school-district, either at their annual or at any special meeting legally called for that purpose, shall make application to the board of supervisors in their respective towns, the said board upon satisfactory proof being made to them, by the certificate of the district clerk, or otherwise, that the notices required in the next section have been duly given, shall proceed to establish a school-house site for said district; *provided*, that such school-house site shall not exceed one acre of land; *and provided, further*, that such land when it shall cease to be used as a school-house site, shall revert to the original owner, his heirs and assigns.†

SECTION 80. Upon application made by any school-district, by vote as aforesaid, such board shall make out and sign a notice in writing, and fix a time and place when and where they will meet and decide upon such application, which said notice shall also contain a brief description of the land upon which it is proposed to locate such school-house site, which said notice shall be served by the district clerk of said district upon the owners and occupants of the land upon which it is proposed to locate such site, at least six days previous to the day appointed for such meeting. Such notice

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\* See chapter 151, general laws 1868.

† See Form No. 45.

shall be served by delivering it to each owner and occupant of such land, who may be residents of this State, or by leaving the same at their respective residences, with some person of suitable age and understanding. And if there be no occupant of such land, and the owner or owners thereof be unknown to the said board, or shall reside without this State, then such notice may be served by publishing the same in the newspaper published nearest said land, once in each week for six successive weeks next before the said day of meeting.\*

SECTION 81. Whenever the said board shall locate and establish any school-house site, they shall cause an accurate survey and description of the same to be made out, and shall fix and award the compensation to be made to the owner or owners for such site, together with all damages sustained by such owner or owners of all lands so taken. They shall also, within ten days after agreeing thereupon, make out and sign duplicate certificates, containing their action upon such application, a description of the lands so taken, according to the survey, and the amount of compensation and damages so awarded to each of such owners, one of which shall be delivered to the occupant or occupants of the land so taken for such school-house site, and the other to the clerk of said district, who shall cause the same to be recorded in the office of the register of deeds of the proper county; *provided*, that in case the said board shall deem it advisable, they may, before agreeing upon their said award, adjourn from time to time, not to exceed in all ten days, and that any two of said board may act in the absence of the other.†

SECTION 82. The sum of money so awarded by the said board shall be paid to the owner of the land upon which such site is located, or in case the owner is a non-resident, or refuses to accept the money, it shall be deposited with the treasurer of the district, to the order of the owner of said land; and it shall not be lawful for said district to occupy said land without the consent of the owner thereof, until such money shall be paid, tendered, or deposited as aforesaid.

SECTION 83. No land shall be taken for a school-house site except by consent of the owner, that may not be taken for highway purposes, according to section fifty-four, chapter nineteen, of the revised statutes.

SECTION 84. Any person aggrieved by the decision of the above in the award of damages, may appeal therefrom to the circuit court for any county in which such site is situated, by filing with the clerk of such district a notice of such appeal, which notice shall specify all the grounds of such appeal, within twenty days after the receipt of the duplicate certificate mentioned in section eighty-one of this act, and paying to the said district clerk one dollar for the State tax on the appeal, and one dollar for making the return thereto; and thereupon the clerk of such district shall, within twenty days thereafter, file with the clerk of said circuit court a certified copy of such certificate, together with such notice of appeal and

\* See Forms Nos. 46 and 47.

† See Form No. 48.

the date of service thereof, and shall pay to such clerk of the circuit court one dollar for the tax on the appeal; and thereupon the clerk of such court shall enter an action therein, in which the appellant shall be plaintiff and the school-district defendant. The issues in said action shall be the legality of all the proceedings of said board under this act, and the amount of compensation and damages to which the plaintiff is entitled by reason of the taking of his lands for a school-house site, as aforesaid. And the issue shall be tried without further pleadings, in the same manner as other issues of fact are tried in such court, and either party shall be entitled to a jury, and the judgment therein shall be enforced in the same manner as other judgments in personal actions rendered by said circuit court; *provided*, that in all cases where the question of damages is the only issue, and the plaintiff does not recover a larger sum than was awarded him by such board, he shall recover no costs.

SECTION 85.\* Whenever the district is situated in two or more towns, the said board shall consist of the boards of supervisors of each town in which such district is situated. All the provisions of this chapter, and all acts amendatory thereof in reference to the location and establishment of school-house sites, shall apply to the location and establishment of any addition to a site already located; *provided*, that no site thus enlarged shall exceed one acre of land.

Chapter 90, of the general laws of 1868, provides as follows for obtaining a school-house site upon the land owned by an infant:

SECTION 1. Whenever any school-district in this State, or any town board of supervisors in behalf of any such district shall locate a site for a school-house upon any lands owned by any infant, or in which any infant has an interest, the circuit or county court of the county in which said land is situated, may authorize the guardian or parent of such infant to execute a perpetual lease of any lands of such infant, not exceeding one acre in amount, to be used by said district, its successors, or assigns for school-purposes only, and when any such land is held in trust for any infant, the trustees may be authorized to execute such perpetual lease in behalf of the said infant for whom said land is held in trust, and when any such lease is executed pursuant to the order of said circuit or county court, the same shall pass to and vest in the lessee all the interest of said infant in said lands authorized to be granted by said court.

SECTION 2. Before granting leave to make and execute said lease it shall be made to appear satisfactorily to said court that the said premises are needed for school-purposes, that the consideration to be paid for the interest of said infant therein is adequate, and that the interest of said infant will not be prejudiced by the execution of said lease; and before making any such order the court shall require the guardian or other person authorized to execute said lease to execute a bond to account for and pay over the funds

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\* See chapter 169, general laws 1871, Sec. 6.

or money received, as in cases provided by law for the sale of lands of minors.

#### COUNTY SUPERINTENDENTS.

SECTION 86.\* There shall be chosen at the general election held on the Tuesday next succeeding the first Monday in November, in the year 1861, and biennially thereafter, a county superintendent of schools for each county of the State, who shall enter upon the duties of his office on the first day of January succeeding his election, and shall hold the same for two years, and until his successor is elected and qualified. In each county of the State having over fifteen thousand inhabitants, according to the last preceding census, the county board of supervisors may, at any meeting of said board in any year, determine by resolution, to remain in force until rescinded, that there shall be two county superintendents for such county; and said board of supervisors shall thereupon divide the county into two districts, to be called respectively "superintendent district number one," and "superintendent district number two." They shall also determine over which of the two districts the superintendent already elected shall have jurisdiction. The State Superintendent shall appoint a superintendent for the other district, who shall hold his office until his successor is elected and qualified. While such resolution shall remain unrescinded each such district shall elect a county superintendent for such district, to be called "county superintendent of schools for district number one," or "two," as the case may be; such county superintendents of schools for districts shall, within the limits of their respective districts, have the same powers and duties as other county superintendents, their terms of office shall be the same, and their election shall be conducted and canvassed as provided in this act for the election of county superintendents; and all the provisions of this act or of any other law of this State in relation to county superintendents of schools, shall apply to the county superintendents of schools for districts, unless the latter shall be expressly exempted therefrom.

By the amendment of this section, in 1872, (chapter 178,) the county board may, at any meeting, divide the county, if containing over 15,000 inhabitants, according to the last preceding census, and provide for two superintendents, as pointed out, and by another amendment, in 1874, (chapter 342,) counties embracing two senatorial districts are not therefore divided into two superintendent districts, as previously, this provision being dropped.

The advantages arising from dividing the largest and most densely populated counties, are too obvious to require special remark. To visit the schools, examine the teachers, and perform the

\* See chapter 178, general laws 1872, and chapter 342, general laws 1874.

other work necessary, in a county containing from one hundred to one hundred and fifty districts, involves more labor than one person can perform. The importance of thorough and judicious supervision cannot be too highly estimated; and money expended to secure the services of men properly qualified for this business, is well invested.

Any action of the board of supervisors, either in dividing the county, or in uniting superintendent districts, or in changing their boundaries, should be clearly set forth in the notice for the next election of superintendents thereafter.

SECTION 87. The laws regulating the election of and canvassing the votes for other county officers, shall apply to the election of county superintendents. A county superintendent may at any time vacate his office, by filing his resignation with the clerk of the board of supervisors of his county. His removal from the county, or his acceptance of the office of county supervisor, shall vacate his office.

SECTION 88. The county superintendent of schools shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this State, before some officer authorized to administer oaths, and shall deposit the same with the clerk of the board of supervisors.

The oath of office may be taken at any time after the county superintendent is elected, and it must be taken before the close of the first day of January succeeding the election. It cannot be taken after the date, for the reason that section 86, provides that the superintendent shall upon that day enter upon the discharge of the duties of his office. When the first day of January falls upon a Sunday, the safe course is to take and file the oath upon some day of the week preceding.

If the person elected does not qualify so as to be ready to enter upon the discharge of the duties of his office upon the first day of January, the previous incumbent will hold the office until a successor is elected and qualified.

SECTION 89. The clerk of the board of supervisors, as soon as he has official or other notice of the existence of a vacancy in the office of the county superintendent, shall give notice thereof to the superintendent of public instruction, who shall appoint a county superintendent to fill such vacancy, and the person so appointed shall hold the office until the first day of January next occurring after such appointment is made.



SECTION 90. The county superintendent of schools may be removed from office by the judge of the circuit court for the county where such county superintendent of schools may reside, upon petition or satisfactory proof of incompetency or willful neglect of duty; *provided*, that no such removal shall be valid unless the person so removed shall have had at least thirty days notice of the charges brought against him, and an opportunity to be heard in his own defense; and that the said circuit judge shall, in case of removal, certify such removal to the clerk of the county board of supervisors.

SECTION 91. Any person or persons petitioning for the removal from office of any county superintendent of schools, shall cause a certified copy of such petition, together with a full statement of all charges preferred against him, to be served upon such superintendent at least thirty days prior to the hearing before the judge of the circuit court. No county superintendent shall act as an agent for any author, publisher, or bookseller, or receive any fee or reward for acting as such agent, and a violation of this provision by any county superintendent, shall subject him to removal from office.

County superintendents are forbidden to act as agents of publishers or booksellers. Discretion will suggest to these officers the propriety of not making changes in text-books prominent acts in their administration; and, while they may, properly endeavor to secure a uniformity in the books used in the same school, they can seldom make a general change in the text-books used in their county, without subjecting themselves to charges, that, however ill-founded, may interfere with a successful discharge of their duties.

It may be doubted whether any of the text-books now used in our schools are so defective as to require their exclusion, and whether any are so superior to all others as to merit special effort for their introduction. District officers should be advised not to allow teachers to introduce text-books without express permission. The district board should, in the exercise of its authority, prevent any unnecessary change, and should preserve uniformity. In order that the confidence and co-operation of the people may be secured, due consideration must be given to the expense attending changes in books, and it must not be forgotten that uniformity in adjacent rural districts is by no means absolutely necessary to the prosperity of the schools. Attention is here called to the amendments of sections 48 and 53. County superintendents may render useful service to districts and district boards by their advice in the matters of apparatus and books.

SECTION 92. Every county superintendent shall have power, and it shall be his duty:

*First.* To examine and license teachers, and to annul certificates as hereinafter provided.

*Second.* To visit and examine all the schools and school-districts within his jurisdiction as often in each year as shall be practicable; to inquire into all matters relating to the management, the course of study, and mode of instruction, and the text-books and discipline of such schools, and the condition of the school-houses, sites, out-buildings, and appendages, and of the district generally; to advise with and counsel the district boards in relation to their duties, and particularly in relation to the construction, warming, and ventilation of school-houses, and the improving and adorning of the school-grounds connected therewith, and to recommend to school-officers and teachers the proper studies, discipline, and management of the schools.

*Third.* To direct, after proper examination, the district board to make any alteration and repairs which shall in his opinion be necessary to the health, comfort, or progress of the pupils, and to abate any nuisance in or upon the premises; *providing*, the same can be done at an expense not exceeding twenty-five dollars.

*Fourth.* To make an order in concurrence with the chairman of the board of supervisors of the town in which any school-house is situated, which is unfit for school-purposes, reciting the reasons, if they deem it unfit for further use, and not worth repairing, and to deliver the order to the clerk of the district in which such building is situated, and to transmit one copy of said order to the clerk of the town, and another to the superintendent of public instruction; and such order shall take effect from and after the date mentioned therein, unless for cause shown within thirty days after said order is delivered to the district clerk, it shall be overruled by the Superintendent of Public Instruction; and from the time the said order shall take effect, the district shall not be entitled to share in any appropriation of the income of the school-fund for any school kept in said building so declared unfit for school-purposes.

*Fifth.* To examine any charge affecting the moral character or ability to teach of any teacher within his county or district, first giving such teacher reasonable notice of the charge, and an opportunity to defend himself therefrom; and if he finds the charge sustained, to annul his certificate, by whomsoever granted, and if the teacher so declared unfit to teach holds a certificate from the Superintendent of Public Instruction, or a diploma of a State normal school, then to notify the State Superintendent of such annulment without delay.

*Sixth.* To report annually to the board of supervisors of his county the condition and prospects of the schools under his supervision; to receive from the town, city,\* or village clerks, abstracts of the reports of the several district clerks, and to transmit the same as required by law, to the State Superintendent, as also an-

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\* See chapter 128, general laws 1870, following section 44.

nually, before the first day of May, the name and post-office address of each town clerk of his county or district, and to report from time to time such other facts relating to education as the State Superintendent may require, or the laws may prescribe.

*Seventh.* To organize and conduct at least one institute for the instruction of teachers in each year, and to advise in all questions arising under the operations of the school-laws in his county or district.

In the discharge of the duties imposed upon county superintendents by this important section, these officers will find opportunity for doing inestimable good. To properly perform them will require the exercise of patience, prudence, and firmness.

1. The examination of teachers should be confined to ascertaining their qualifications in respect, *first*, to moral character; *second*, learning; *third*, ability to teach.

A superintendent can inflict no greater wrong upon a community than to license a man of immoral character as a teacher. When the superintendent is not acquainted with the applicant, testimonials as to his moral character should be required, which should be explicit, and from persons of unquestionable integrity who are intimately acquainted with said applicant. Persons of questionable morals and bad manners should never be permitted to engage in the business of teaching. The example of the teacher influences the character of his scholars, hence it should always be such as to inspire confidence. While no religious test can be required, a person who is habitually profane, or sectarian in spirit, or uncharitable towards those of a faith different from his own, or indiscreet in the utterance of his religious or political views, ought not to be permitted to enter a public school as a teacher. Neither should a person receive a certificate of *good moral character* who is not truthful, temperate, orderly, honest, and prudent. A teacher should be courteous, simple in his tastes, kind and considerate toward the unfortunate, just in his dealings, patriotic, public spirited, and pure minded.

As to the *learning* of applicants the law specially sets forth the branches in which they must be examined, and the different certificates county superintendents are authorized to grant. The method of examination required is by written and oral questions. Questions to be answered by writing should be prepared with great care. They should be definite, involving principles rather than

facts, and sufficient in number to test the knowledge of the teacher. The questions are generally printed on slips of paper, the superintendent exercising due care to prevent candidates for certificates from knowing beforehand what they are. All necessary preparation should be made, such as providing a room where teachers can write; removing all temptation to aid or seek aid; obtaining paper, ink, pens, etc.; seeing that the blackboard is in good order and that rubbers and crayons are at hand, and that the room is warmed, lighted, and ventilated. The time appointed for meeting should be such as will enable all who design to attend to be present, and no allowance should be made for a failure consequent upon tardiness or unnecessary absence. The time allotted for each set of questions should be stated on the paper containing the printed questions, and such rules should be established as will preclude communication or interruption during the time of examination. As a rule the examiner should not know the name of the person whose papers he examines. By numbering the candidates and requiring them to use the numbers instead of their names in signing their papers, there will be no suspicion of partiality. The name and corresponding number of each candidate should be written on a card. The cards should be collected and carefully laid aside until the results of the written examination are determined; and the owner of each paper may be known by finding the name on the card corresponding with the number on the paper.

All papers should be preserved by the superintendent, and so arranged that reference may readily be made to them. In case of complaint, any errors that may have been committed may thus be corrected.

In "marking" or determining the standing of candidates, ten should be taken as the *maximum*. The *writing*, *punctuation*, and *spelling* should be correct. No attainments in science can be taken as an equivalent for the deficiencies in the "common branches."

In conducting the examination *orally*, such notes should be made by the examiner as will enable him to avoid errors of judgment. Pronunciation, choice of words, facility of illustration, ability to use the crayon at the blackboard, power of expression, use of the voice, self-possession, manners, and, in general, scholarly *culture*, are the things to be observed in the oral examination. If a person

does not possess these in some tolerable degree, he cannot teach and ought not to be licensed.

If convenient, a class of pupils may be present at the place of examination, and candidates for certificates may be required to conduct class exercises in presence of the examiner. This will afford a good opportunity for the person examined to show his methods of teaching. One who fails to stand this test can seldom be trusted with a school.

In many cases too little time is given to the examination. No person can properly examine twenty or thirty teachers in a single day. At least ten hours diligently employed are necessary to enable the examiner to pass upon the qualifications of twenty teachers seeking the lowest grade of certificate. In case the candidates are well known to the county superintendent, as persons who have successfully taught school, less time is required.

A record of all examinations should be kept. The names of applicants with their ages and residences, and the grades of those licensed, should be carefully and accurately recorded. The dates of examinations and of certificates ought to be preserved as a portion of the permanent records of the office, and all papers relating directly or indirectly to examinations, should be preserved, arranged, and filed for future reference.

The superintendent should invite persons of suitable qualifications to aid him in the oral examination, and thus excite an interest in the town where the examination is held.

"Ability to teach" involves more than mere learning. One who does not speak the English language with fluency, correctness, and good taste, cannot teach the branches required "in the English language," as the law provides. It also involves knowledge of the usages of society, and of the rights of parents and children; also, of the laws relating to public schools, property, reputation and life. To teach requires courage, fortitude, forbearance, discretion and patience; hence, granting certificates to boys and girls is a violation of the spirit of the law, and shows a want of common sense. Too many of our public schools are in charge of those who lack all the important qualities constituting a true teacher, and whose qualifications are limited to ability to spell, read, write, parse, and cipher.

Certificates of a higher grade should never be granted to those who have not had an opportunity of testing their ability to teach,

but the superintendent should lose no time in recognizing this qualification where it is found to exist.

The power conferred by law upon county superintendents, to annul certificates, should be exercised with discretion and firmness.

Deficiency in learning and ability to teach, or immoral character, constitutes a ground for annulment. If a teacher's deficiency relates to learning, and it is within the knowledge of the superintendent, he should re-examine him; and if it relates to bad morals, he should investigate the matter, giving the teacher proper notice, and if he fails to exculpate himself his certificate may be annulled. In case of complaint made to the superintendent by others, the teacher should receive notice of the time and place at which he will be examined, and at which proof will be heard on behalf of both complainant and teacher.

When the complaint relates to the moral character of the teacher, full opportunity must be given him for his defense. He should be made acquainted with the precise charges affecting his character, and ample time should be allowed him to prepare proofs and to bring witnesses to explain or disprove the charges.

The superintendent should not subject the teacher to a public accusation, unless some person shall make complaint to him and sustain it by his own oath, or that of witnesses whom he produces. All testimony should be reduced to writing. It is for the complainant to produce the evidence of the charges he prefers. The accused is entitled to the privilege of cross-examining witnesses, and is not bound to offer any testimony until something is proved against him.

As an appeal may be taken from the action of the county superintendent to the Superintendent of Public Instruction, the former should take full minutes of the testimony, as it is given, as nearly as possible in the language of the witnesses.

2. The duty of visiting schools is among the most important of those required of the county superintendent. School visitation depends for its efficiency upon the manner in which it is performed. A stated, formal visit does no good, and sometimes does harm. A short call, without an opportunity to learn anything of the real condition of the school, is useless.

The visits should be quite unceremonious, unexpected by teachers and pupils, and the superintendent should, besides observing

the routine of the school-room, inform himself in regard to the progress and attainments of the pupils. He should examine classes in spelling, reading, and writing, in preference to those in algebra, French, and rhetoric, and should show both teacher and scholars that he attaches more importance to those branches that constitute the foundation of education, than to those, a superficial knowledge of which may be obtained by very poor scholars. The teacher's method of classification should be examined. It sometimes happens that scholars are hastily assigned to the wrong class, and there allowed to remain for months, on account of the indifference or ignorance of the teacher. If classes can be consolidated with advantage it should be done, and the superintendent should feel that he, as well as the teacher, is responsible for the progress of every school in his county.

The school-register should be examined, and if not kept as required by law, such instruction should be given and such measures taken as will lead the teacher to keep it in proper form. The condition of the school-library, apparatus, maps, etc., should be ascertained and noted. The desk, blackboards, furniture, stove, windows, doors, woodshed, fence, outhouse, etc., should be inspected, and a report of the condition of the school, school-house, and surroundings, should be made to the district board in writing. Such suggestions as are required may also be made. The district officers should be reminded of the annual district report, and the necessity of accuracy and promptness in making it should be enjoined upon them. The manner in which the district records and accounts are kept, should be made a subject of investigation, and if necessary of advice. Attention should be given to the certificate of the teacher, and if public money is paid to teachers not qualified, the consequences of such disregard of law should be pointed out and measures taken to prevent it. No person has a right to teach in a public school who does not hold the certificate of qualification required; no officer has a right to pay a dollar upon an order in favor of such unqualified teacher; the clerk and director who draw the order are misappropriating public money; and the duty of the county superintendent is to prevent this unlawful practice.

The superintendent should seek to remove difficulties growing out of changes in district boundaries, family animosities, or dissatisfaction with the action of school-officers. He should invite the

people of the district he is visiting to meet him at the school-house, and should then address them upon the educational interests of their district. The address should be plain, pointed, and pertinent. No adulation or flattery should be indulged in. The results of observation and examination should be given with such plainness as discretion and good taste will warrant. An effort should be made to instruct and improve rather than please. The people always respect an earnest, truthful man, but they are merciless towards a timid, hypocritical one.

If practicable, a report of the condition of each school should be made *in writing* to the district board. Their attention should be particularly called to those things that are necessary for the comfort, health, and progress of the children. The school-register will furnish, if properly kept, facts that may be made the basis of calculations in regard to attendance, absence, irregularities, etc., that will be both interesting and instructive. It is also well to address a communication to the teacher, commending what deserves approval and calling special attention to those things that need correction.

#### INSTITUTES.

It is made the duty of the superintendent to hold institutes, and at least one should be held each year. Such preparation should be made as will secure a prompt and general attendance. A suitable room, well ventilated, properly warmed, and furnished with desks, blackboard, etc., is indispensable. By proper effort the co-operation of the people in the vicinity of the place where the institute is held, may be secured. Care should be taken not to tax the hospitality of the people for the benefit of those not engaged in teaching. In some instances, persons not interested in the objects of an institute, attend it for the purpose of enjoying, free of expense, the novelty of a visit to the town in which it is held.

The notice for the institute should suggest to the teachers the necessity of bringing with them paper, pencils, note-books, and such school-books as may be required.

Arrangements should be made for addresses, and if the superintendent deems it advisable, some prominent teachers may be secured to conduct the institute exercises. For a few years past the board of normal regents has granted aid to institutes out of the income



of the normal school-fund. If preferred, an agent is furnished to conduct the institute. The law regulating this matter will be found on a subsequent page.

The programme should, if practicable, be published with the notice, and should be strictly adhered to during the time the institute is held. A portion of each session should be devoted to discussion, and the superintendent should be prepared to answer such questions in regard to the school-law, and school-matters generally as the teachers may wish to ask. Punctuality, regularity and good order should be maintained, and an effort should be made to render the institute a model school in its methods of recitation, instruction, and general arrangement and management.

The county superintendent should preside, a secretary and business committee should be appointed, and in all respects the institute should be a well-ordered and business-like body, diligently doing its appointed work. No time should be frittered away in excursions, pic-nics, or parties.

Particular attention is called to the acts of 1872 and 1876, providing for normal institutes of two or more weeks duration.

#### EXAMINATION OF TEACHERS.

SECTION 93. It shall be the duty of the county superintendent of schools in each county, to divide his county into inspection districts, to be bounded by town lines, and not to contain more than four towns each; and to hold, in and for each such inspection district, at least two meetings in each year, for the examination and licensing of teachers, of which meetings at least thirty days' written notice shall be given to each school-district clerk in the inspection district for which the meeting is to be held, and by him posted in some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the inspection district, and the time, place, and objects of the proposed meeting. The examinations of teachers thus held shall be public, and shall be conducted by written and oral questions and answers. They shall be uniform for the county in which they are held, and no certificate of qualification shall be given except in accordance with the provisions of law respecting teachers' certificates.

SECTION 94. Whenever, on account of sickness, absence from the county, or any other cause, any person desiring a certificate of qualifications as a teacher, shall be unable to attend the examination as aforesaid, such person may be examined at any time by the superintendent, without giving the notice required by the preceding section, and upon such examination, if found qualified, shall receive a certificate, which shall remain in force until the next regu-

lar meeting for examination of teachers in the inspection district in which such teacher is engaged in teaching; *provided*, that the county superintendent, before examining and licensing such applicant, may require of him or her satisfactory proof that the absence of such applicant from the last regular meeting for the examination of teachers, in the inspection district in which he or she resided, was necessary and unavoidable upon the part of said applicant.

The county superintendent should always satisfy himself that the absence of an applicant from the public examination was necessary and unavoidable. Although the certificates granted at special examinations are of short duration, yet the candidate should not be less thoroughly examined than if present at a public examination. Further remarks upon examination will be found under section 92.

#### SALARY OF COUNTY SUPERINTENDENT.

SECTION 95.\* The compensation of the county superintendent of schools shall be fixed by the county board of supervisors, and shall be paid quarterly in cash by the county treasurer; and the supervisors may decide whether said compensation shall be an annual salary or a *per diem*, to be estimated and prescribed by said supervisors as follows: In counties and districts containing more than five thousand and less than ten thousand inhabitants, if the compensation be an annual salary, it shall not be less than five hundred dollars nor more than eight hundred dollars; and in counties and districts containing more than ten thousand inhabitants, it shall not be more than fifteen hundred dollars nor less than eight hundred dollars. If the supervisors of any county shall decide that the compensation of the superintendent shall be a *per diem*, they shall fix the same at not less than three dollars nor more than five dollars; and they may limit the number of days' service to be rendered by the superintendent so that the whole sum to be paid him in any one year, in a county containing more than five thousand and less than ten thousand inhabitants, shall not exceed eight hundred dollars nor be less than five hundred dollars, and in a county containing more than ten thousand inhabitants, shall not exceed fifteen hundred dollars, nor be less than eight hundred dollars; *provided*, that each superintendent serving for a *per diem*, shall present to the clerk of the board of supervisors, quarterly, before receiving the compensation due him, a sworn statement showing the number of days actually and necessarily spent by him in the discharge of his duties during the preceding quarter; and no compensation shall be allowed him for any other than the days thus specified. The board of supervisors shall allow for stationery, postage, and printing, such amount as the county superintendent shall certify to

\* See chapter 177, general laws 1869.

be actually necessary not exceeding one hundred dollars in counties and districts containing less than five thousand inhabitants, and two hundred dollars in counties and districts containing more than five thousand.

SECTION 96.\* Every incorporated city having a board of education, a superintendent of schools, or other board or officer with power to examine and license teachers, and supervise and manage the schools, shall be exempt from the provisions of this act relating to county superintendent of schools, except in the matter of making reports to the superintendent of the district in which such city is situated. The electors of such city shall have no voice in electing a county superintendent, nor shall the members of the county board of supervisors from said city have any voice in determining or providing for the compensation of such county superintendent, or in any other matter relating to such officer; nor shall any tax be levied on said city to pay the salary or *per diem* of such superintendent, nor shall the population of such city be enumerated or counted with the other inhabitants of the county by the board of supervisors in estimating or determining the compensation of such superintendent.

SECTION 97. The board of supervisors of each county shall, when they levy the county school-tax for each year, add thereto and apportion among the towns, cities, and villages in such county, an amount sufficient to pay the compensation of the county superintendent of schools in and for such county, and all necessary expenses of printing for the use of schools in such county for that year, which amount shall be levied and collected in cash as a part of the county school-tax for such county, and shall be paid over to the county treasurer of such county, with the county-tax, by the several town, city, and village treasurers; *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose board of education shall have elected as provided for in the last preceding section.

The tax levied to pay the salary of the county superintendent, and all necessary expenses for printing, etc., must be assessed in addition to the tax levied annually for school-purposes, and must be collected with it. This tax cannot be made a part of that required by chapter 18, revised statutes, (amended by chapter 40, of the general laws of 1866,) but after the latter has been levied, the amount necessary for all the expenses growing out of the county superintendency, must be levied and apportioned among the several towns under the jurisdiction of the county superintendent, in proportion to the assessed valuation of each town.

SECTION 98. The county superintendent shall, on or before the

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\* See chapter 177, general laws 1869.

tenth day of October, in each year, make and transmit to the State Superintendent, a report in writing, setting forth the whole number of towns in his county, distinguishing those from which the required reports have been made to him by the town clerks, and containing an abstract of their reports, and he shall file a copy of such report in the office of the clerk of the county board of supervisors.

All necessary instructions accompany the blanks annually furnished to county superintendents from the office of the Superintendent of Public Instruction. The greatest care should be exercised in making the annual report required by section 98, for it is upon it that the annual apportionment is made.

SECTION 99.\* He shall also within the time mentioned in the preceding section make and deliver to the county treasurer a written statement of the whole number of children in each town in the county over the age of four and under the age of twenty years returned from districts which have maintained school for five or more months during the past year, as appears from the town clerk's report.†

This statement is needed by the county treasurer, in order that he may test the correctness of the apportionment of the income of the school-fund, made through him to the several towns of the county, and is to be filed with him on or before the 10th day of October in each year.

This statement must clearly show the number of children over four and under twenty years of age residing in the respective towns in districts that have maintained school at least five months during the next preceding year.

#### TEACHERS' CERTIFICATES.

SECTION 100. Every applicant for a situation as a teacher in any of the common schools of this State, shall be examined by the county superintendent of schools of his county, in regard to moral character, learning and ability to teach, and if found qualified, shall receive a certificate as hereinafter provided.

SECTION 101. There are hereby established three grades of teachers' certificates, to be known as certificates of the first, second, and third grade, respectively, as the case may be. Each certificate shall show the branches of study in which the holder has been examined, also the relative attainment of the applicant in each.

SECTION 102. Every applicant for a certificate of the third grade shall be examined in pronunciation, orthography, reading, penmanship, intellectual and written arithmetic, English grammar,

\* See chapter 156, general laws 1868.

† See Form No. 52.

geography, history of the United States, and the theory and art of teaching, and, if found qualified, shall receive a certificate which shall qualify the holder to teach in any town in the county in which he is examined; *provided*, that the county superintendent may limit such certificate to any town in the county, and may also issue limited third-grade certificates for a less period than one year, and for a particular district, whenever by examination he is satisfied that the applicant is not qualified to teach in every district of the town for which he is licensed; *and provided further*, that no person shall receive a certificate of any grade who does not write and speak the English language with facility and correctness.

Candidates for the *third grade* certificates should be required to spell correctly the words of any ordinary sentence, dictated by the examiner, to pronounce with facility and correctness common words, and to read distinctly and intelligibly any passage from an ordinary reading book; to work readily the less difficult questions in common arithmetic; to parse any sentence of good prose; to have a knowledge of the elements of geography and history; to write a plain hand, and to exhibit good taste in the arrangement of words and paragraphs. The third grade certificates were intended for temporary licenses, to be granted to persons of limited attainments and little experience; but the result proves that too many teachers and officers are content with this grade. Earnest efforts are needed on the part of the superintendents to bring about a better state of things, and to induce more teachers to seek certificates of a higher grade. District officers can greatly contribute to this result by seeking the best teachers, and they will find it the best economy in the end, although wages paid to such teachers may be higher.

*Limited* third grade certificates should be granted only when necessity requires.

SECTION 103.\* Every applicant for a certificate of the second grade, shall be examined in all the branches required for a certificate of the third grade, and in addition thereto, in grammatical analysis, physiology, physical geography, and elementary algebra, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for one year from the date thereof.

Applicants for a *second grade* certificate should understand the rules of pronunciation and elocution, and be able to read with in-

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\* See chapter 169, the general laws 1871, Sec. 7.

telligence and expression; they should write a plain, bold hand, and be able to teach some good system of penmanship; they should thoroughly understand commercial arithmetic, and be able to teach book-keeping by single entry; they should write grammatically and compose with facility, and should have, in addition to a thorough knowledge of the branches required for a third-grade certificate, a good knowledge of the additional branches required for the second grade.

SECTION 104. Every applicant for a certificate of the first grade, shall be examined in all the branches in which applicants for certificates of the second and third grades are examined, and in addition thereto, in higher algebra, natural philosophy, and geometry, and if found qualified, shall receive a certificate which shall entitle the holder to teach in any town in the county in which he is examined, and which shall be in force for two years from the date thereof.

Certificates of the first *grade* should be granted only to those who have had experience in the profession, and who have been eminently successful in the government of schools. Every qualification heretofore indicated as necessary or valuable to a teacher should be possessed by those who receive from the county superintendent the highest testimonial which he is empowered to give.

Superintendents must, however, rely upon their own judgment, rather than upon rules and regulations respecting the examination of candidates, for most will come far short of any ideal that may be formed of the true teacher.

#### EXAMINATION IN THE CONSTITUTIONS.

Chapter 14, of the general laws of 1871, provides as follows:

SECTION 4. From and after the first day of September, 1871, every applicant for a teacher's certificate shall be examined in the Constitution of the United States and the constitution of the State of Wisconsin, and before receiving a teacher's certificate shall reach a standard of attainment equal to that required in other branches of study.

This provision applies to certificates of every grade, whether granted by county superintendents or the State Superintendent.

SECTION 105. Each county superintendent of schools may demand an examination in such additional branches as the applicant may be required to teach, and whenever he shall deem it necessary, may require a re-examination of any teacher in his county for the

purpose of ascertaining his qualifications to continue as such teacher.

SECTION 106. The county superintendent of each county shall, under the advice and direction of the State Superintendent, established for his county the standard of attainments in each branch of study which must be reached by each applicant before receiving a certificate of either grade, and the standard so established shall be uniform for the county.

SECTION 107. No school-district clerk shall have power to contract with a teacher unless such teacher shall have a certificate of qualification in force at the time of making such contract; and when a district is composed of parts of two or more counties, the clerk of said district shall not have power to contract with a teacher unless such teacher shall have a certificate of qualification signed by the superintendent of the county in which the school-house is situated, and in force at the time of making such contract.

SECTION 108. The county superintendent may annul any certificate given by him or his predecessor in office, when he shall think proper, giving at least ten days previous notice in writing to the teacher holding it, and to the district board of the district in which he may be employed, of his intention to annul the same.\*

SECTION 109. The annulling of a certificate shall not disqualify the teacher to whom it is given, until a notice thereof containing the name of the teacher, the time when the certificate was annulled, and the reasons of such annulment, shall be filed by the county superintendent in the office of the town clerk of the town in which such teacher is engaged in teaching.

SECTION 110. Any person refused a certificate as a teacher by the county superintendent, may apply to the State Superintendent for a re-examination; and if upon such re-examination the State Superintendent shall be satisfied that the applicant is legally qualified, he shall issue a certificate which shall have the same force, and entitle the holder to the same privileges, as if he held a certificate from the county superintendent; *provided*, that any county superintendent refusing a certificate to an applicant, upon demand, shall give such applicant a written statement of the reasons why he, the said superintendent, refuses to issue such certificate; which statement shall in all cases be presented to the State Superintendent by the person requiring a re-examination.

An appeal from the action of a county superintendent in refusing to grant a certificate, must be conducted according to the rules and regulations of the department governing appeals. As the county superintendent fixes the standard of attainments under the advice of the Superintendent of Public Instruction, no appeal need be taken under the impression that the standard will be lowered. The forms and rules to be observed by a teacher in taking an appeal will be found under section 122.

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\* See Forms Nos. 53 and 54.

## STATE TEACHERS' CERTIFICATES.

The law authorizing the State Superintendent to "issue State certificates of high grade to teachers of eminent qualifications," (chapter 169, general laws of 1868,) is as follows:

SECTION 1. The State Superintendent of Public Instruction is hereby authorized to grant State certificates to teachers, in the manner hereinafter provided.

SECTION 2. The State Superintendent shall, before each examination held under the provisions of this act, appoint three competent persons, residents of this State, who shall constitute a board of examiners, and who shall, under rules and regulations, to be prescribed by the said Superintendent, thoroughly examine all persons desiring State certificates in the branches of study in which applicants are now required to be examined by county superintendents for a first grade certificate, and in such other branches as the State Superintendent and said examiners may prescribe.

SECTION 3.\* If the examiners shall be satisfied that an applicant possesses the requisite scholarship in all the branches of the studies before mentioned, or in the branches of study in which applicants are now required to be examined by county superintendents for a first-grade certificate, and in the branches hereinafter mentioned, they shall certify the fact to the State Superintendent, and if such applicant shall furnish evidence of good moral character, experience, and success in teaching, he shall thereupon issue to the applicant passing a successful examination in all the branches of the studies above mentioned, a certificate, which shall be valid until revoked; and to the applicant passing a successful examination in the studies now required for a first-grade certificate as heretofore described, and in mental philosophy and English literature, he shall issue a certificate, which shall be in force for five years from the date thereof; and either of said certificates shall qualify the holder to teach in any public school in any city, town, or school-district of this State, without any further examination by any city or county superintendent or board whatsoever.

SECTION 4. Said certificate may be revoked by the State Superintendent for incompetency or immoral conduct: *provided*, that before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have an opportunity for defense.

SECTION 5. A meeting for the examination of applicants for State certificates shall be held at the Capitol in the city of Madison, on the second Wednesday of August in each year; and additional meetings may be held at such times and places as the State Superintendent shall prescribe.

SECTION 6. All moneys actually and necessarily expended by each member of the board of examiners in attending meetings for the examination of teachers shall be refunded to him, and he shall al-

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\* See chapter 33, general laws 1872.



so receive three dollars per day for all time actually and necessarily spent in holding such meeting, or in going to or returning from the same. Accounts for such services and expenses shall be audited by the Secretary of State; and there is hereby appropriated, out of any money in the State treasury not otherwise appropriated a sum sufficient to pay the amounts thus audited.

SECTION 7. The State Superintendent shall record in a book kept for that purpose the date of each certificate issued, and the name, age and residence of the person to whom it was granted, and he shall file in his office for permanent preservation all papers relating to the examination of applicants for State certificates.

By the amendment of the law in 1872, there are now two grades of State certificates. Applicants for either grade are required to present satisfactory evidence of good moral character.

The requisites for obtaining a limited State certificate, good for five years in any public school in the State, are a successful examination in the studies now required for a first-grade county certificate, with the addition of English literature and mental philosophy, and satisfactory evidence of success in teaching for least three ordinary school-terms. The rudiments of mental philosophy only will be required. For the unlimited certificate, botany, zoology, chemistry, geology, and political economy are added. Evidence of success in teaching nine terms will also be required.

Applicants for either grade will be required to pass a satisfactory examination in the constitution and organization of the government of the United States, and of the State of Wisconsin, and in the school-laws of this State, so far as they relate to the rights and duties of teachers.

When an applicant is personally known to the State superintendent, or to either member of the board of examiners, as having a good moral character, no specific testimony will be required; but when not thus known, written testimonials from one or more responsible persons acquainted with the applicant must be presented.

In respect to the length of time that an applicant has taught, his own declaration giving the time, place, and kind of school will be sufficient.

The proof of success in teaching must be clear and explicit. Written testimonials from employers, or other responsible and competent persons, will be required.

The examination will be conducted by both oral and printed

questions, in such a manner that exact justice will be done to each applicant.

Should an applicant be unsuccessful, another examination in the studies in which he has attained the required standing will not be required if he presents himself for further examination within one year from the date of the first examination.

The necessary stationery, etc., will be furnished by the State Superintendent, and no fee will be charged for certificates.

An unlimited State certificate entitles the holder to teach in any public school in the State, and will be valid during life, unless revoked for incompetency or immorality. The limited certificate is subject to the same conditions as the unlimited one, and confers the same privileges for a period of five years.

It is the object of the law to recognize and honor those experienced and successful teachers who have given character to their profession, and to furnish to young teachers a proper incentive to honorable exertion.

It is hoped that through the hearty co-operation of all persons interested in the subject, the objects of the law may be fully realized, and that the standard of teachers' qualifications may be essentially raised, and more clearly defined.

#### SCHOOL-DISTRICT LIBRARIES.

SECTION 111. Every school-district library and the appurtenances thereto belonging, shall be deemed to be vested in the district board of the district, so as to enable them to maintain any action for the same, or for the value thereof, or for the recovery of any fine or penalty for damage done to any book or books, or neglecting to return, or loss of the same; and all such fines and penalties incurred in consequence of a violation of any regulation lawfully established in respect to district libraries, shall be sued for and collected in the name of such district board, and when so collected shall be applied for the benefit of such district library.

SECTION 112. The legal voters in any two or more adjoining districts may, in such cases as may be approved by the town supervisors, unite their libraries, and also their library moneys, as they shall be collected or received, and purchase a joint library for such districts, which shall be selected by the district boards thereof, or by such persons as they shall designate, and shall be under charge of a librarian to be appointed by the district boards of such districts; and the provisions of this chapter shall be applicable to such joint libraries, except that the property in them and their appurtenances shall for the time being be deemed vested in all the district

boards so united; and in case any such district shall desire to divide such library, such division shall be made by the directors of the district whose libraries are so united, and in case they cannot agree, then such division shall be made by the town supervisors.

SECTION 113. The clerk of the district, or such other person as the taxable inhabitants may at any legal meeting appoint by a majority of votes, shall be the librarian of the district, and shall have the care and custody of the district library.

The following regulations for the management of school-district libraries are prescribed by the Superintendent of Public Instruction under the authority of section 64, of chapter 10, of the revised statutes:

1. The district librarian shall have charge of the library, and keep a catalogue of all the books in the library under his care, in a book to be provided by the district for that purpose.

2. Every volume in a library shall have pasted on the inside of the cover a printed paper, specifying the name of the district; the number of the volume; the fine for not returning it within the specified time, and for the loss of or injury to any book. Blanks for this purpose will be furnished to districts upon application to this department.

3. Every volume loaned shall be entered by the librarian in a book, to be provided by the district for that purpose, by its number, with the day on which it was loaned; the name of the borrower, and the name of the person to whom it is charged, (see regulation 5); the date when returned, and condition of the book; the fine assessed for detention or injury done to the book, in the following form:

Time of delivery.	No. of book.	To whom delivered.	To whom charged.	When returned.	Condition of book.	Fine for detection.	Fine for injury.
1876. June 10.	44	Jno. Ward.	W. Green.	June 24.	Good.	.....	.....

4. No person shall be allowed to have more than one volume at a time, or to retain the same longer than two weeks; nor shall any person, who has incurred a fine imposed by these regulations, receive a book while such fine remains unpaid.

5. Books may be loaned to minors and charged to their parents, guardians, or the other person with whom they reside, who shall be responsible for the books under these regulations.

6. On the election of a librarian, his predecessor shall, within ten days thereafter, deliver to him all the printed and manuscript books pamphlets, papers, cases, and all other property belonging to the library which was in his custody, for which the librarian shall give him a full receipt, discharging him from all responsibility therefor, except in the case herein provided; and on receiving the library property, the librarian shall carefully examine all books, etc., and if any loss or injury shall have been sustained, for which a fine has not been imposed by his predecessor, or for which a fine has been imposed and not certified by him to the treasurer, the librarian shall certify the amount thereof to the treasurer, who shall collect the same of such predecessor in the same manner as other fines are collected.

7. In case of vacancy in the office of librarian, the district clerk shall perform the duties of librarian until the vacancy is filled.

8. If any person, having held the office of librarian, shall neglect or refuse to deliver to his successor all the library property, as prescribed in the sixth regulation, the director shall forthwith commence an action in the name of the district board for the recovery of the property he shall so neglect or refuse to deliver.

9. On the return of every book to the library, the librarian shall examine it carefully, to ascertain what injury, if any, has been sustained by it, and shall charge the amount of the fine accordingly; and in every case of injury not specified in these regulations, he shall assess the amount of damages to be paid, subject to revision by the district board.

10. The following fines are established by the State Superintendent, viz.:

1st. For detaining a book beyond two weeks, five cents per week.

2d. For the loss of a volume, the cost of the book; and if one of a set, an amount sufficient to replace it, or to purchase a new set.

3d. For a leaf of the text torn out and lost, or so soiled as to render it illegible, the cost of the book.

4th. For any injury beyond ordinary wear, an amount proportionate to the injury, to be estimated by the librarian.

5th. Whenever any book shall not be returned within six weeks from the time it was loaned, it shall be deemed to be lost, and the person so detaining it shall be charged with its cost in addition to

the weekly fine for detaining the book, up to the time such charge is made. But if the book is finally returned, the charge for loss shall be remitted; and the fine for not returning the same be levied up to the time of such return; *provided*, that in no case shall the amount of weekly fines exceed double the cost of the book.

11. On the third Monday of August, November, February, and May, and also immediately before he vacates his office, the librarian shall report to the district treasurer the name of every person liable for fines, and the amount each such person is liable to pay; and the treasurer shall give the librarian a certificate of the same, and immediately proceed to collect the same, and if not paid shall so certify to the director, who shall forthwith bring an action in the name of the district board for the recovery thereof.

12. All library fines shall be paid to the district treasurer, who shall keep account of the same, and shall report thereon to the annual district meeting, giving the name of each individual fined, the amount of the fine, and the sum total of all fines, which report shall be recorded by the clerk; and the district treasurer shall be responsible for all fines uncollected through his neglect.

13. On the first day of September in each year, the librarian shall report to the district clerk as follows:

1st. The number of volumes in the library;

2d. The number of volumes purchased during the year;

3d. The number of volumes presented during the year;

4th. The number of volumes loaned during the year [*counting each volume once for each time it is loaned:*]

5th. Amount of fines collected;

6th. Amount of fines expended;

7th. Amount of fines remaining unexpended.

14. The library fines collected must first be applied to the replacing of lost volumes, binding pamphlets, and rebinding such books as may require it.

15. In case of joint libraries, the reports required above shall be made to the officers of the district in which the library is located.

#### TOWN LIBRARIES.

In this connection is given the law which provides for the establishment of town libraries. The act is chapter 174, of the general laws of 1868.

SECTION 1. Any town within this State is hereby empowered to establish a town library, for the use of the (*said*) people of said town. The vote for said purpose shall be taken by ballot, and a majority of all the votes cast shall be requisite to the establishing of said town library. The affirmative ballots shall read "for town library," and the negative ballots shall read "against town library."

SECTION 2. Such town, at its annual meeting, is hereby empowered to elect, in each year, a librarian, who may hold his office for one year, or until his successor is elected or appointed and qualified. Whenever a vacancy in said office shall occur from any cause, the town board of supervisors are hereby empowered to fill such vacancy by appointment.

SECTION 3. Such town is hereby empowered to make all by-laws, rules and regulations pertaining to such town library. In case the town does not make by-laws, rules, and regulations, as aforesaid, it shall be the duty of the librarian, under the advice of the town board of supervisors, to do the same.

SECTION 4. Any school-district may donate or sell any book or books belonging to the said district library, to the town in which it is situated, to form a part of the town library.

SECTION 5. For the purpose of purchasing books, furnishing a place to keep them, and paying the librarian for his services, the town may raise a sum of money not to exceed one hundred and fifty dollars in any one year, such sum to be expended under the direction of the town board of supervisors.

SECTION 6. For the performance of the duties of his office, the librarian may be required to execute a bond, to be approved by the town board of supervisors, in such sum as they may deem necessary.

#### BORROWING MONEY TO BUILD SCHOOL-HOUSES.

SECTION 114. Whenever any school-district within the State shall desire to make a loan of money to aid in the erection of a school-house or houses, the question of a loan shall first be submitted to the legal voters authorized to vote at an annual school-meeting, the vote to be taken by ballot. Those voting in favor of the loan shall have written or printed or partly written or printed, on their tickets, "*for the loan*," and those voting against the loan shall have written or printed or partly written or printed on their tickets, "*against the loan*." And if a majority of all the legal voters, residing in the district shall vote in favor of the loan, then the district board of any such school-district, the trustees of any village, the common council of any city, or the board of education of such village or city, within the bounds of which any such school-district is located, shall have power and authority to borrow money to aid in the erection of a school-house or school-houses under the restrictions hereinafter mentioned.

SECTION 115. The money loaned in pursuance of the provisions of the preceding section, shall not be borrowed for a longer period

than five years, and shall draw such rate of interest as may be agreed upon by the parties, but in no case exceeding a greater rate than that established by law; and the said district board, trustees, common council, or board of education, are hereby authorized to give notes, bonds, or execute a mortgage upon any of the property, real or personal, belonging to the district making the loan, to secure the payment of the principal and the interest on the sum so borrowed; and the sum so borrowed shall in no case exceed ten per cent. on the valuation of the real estate contained in the district for the benefit of which the loan is made, according to the valuation contained in the last assessment-roll or rolls of the town or towns, village or city in which such school-district may be situated.

The vote authorizing the district board to borrow money may be taken at any regular meeting, properly called; as the provision in section 114. in reference to an annual meeting, simply designates the class of persons who may vote upon the question, and not the time when the meeting should be held. The vote must be taken by ballot, and the result must be recorded in the records of the district.

To authorize a loan requires that a majority of all the legal voters in the district should vote in favor of it. Great care should be exercised in conducting all proceedings relating to loans. Every opportunity should be given for a fair and full expression of the will of the people.

Chapter 42, of the general laws of 1871, amended by chapter 60, general laws of 1873, "authorizes the Commissioners of School and University Lands to make loans from the trust-funds of the State to school-districts for the purpose of building school-buildings therein." Application may be made to the *Land Commissioners*, at Madison, for information, blanks, etc.

#### LEGAL RIGHTS AND LIABILITIES OF DISTRICTS.

SECTION 116. Justices of the peace shall have jurisdiction in all cases in which a school-district is a party interested, when the amount claimed by the plaintiff, or the penalty for which suit is brought, shall not exceed one hundred dollars, and the parties shall have the same right of appeal as in other cases; and when an action shall be brought against a school-district, it shall be commenced by summons, a copy of which shall be left with the director.

SECTION 117. No execution shall issue on any judgment against a school-district, nor shall any action be brought thereon, but the same shall be collected in the manner prescribed in this chapter.

SECTION 118. Whenever any final judgment shall be obtained against any school-district, if the same shall not be removed to any

other court, the director of such district shall certify to the town clerk of the town the date and amount of such judgment, with the name of the party in whose favor the same was rendered, and if such judgment shall be removed to another court, the director shall certify the same as aforesaid, immediately after the final determination thereof against the district.

SECTION 119. If the director shall fail to certify such judgment, as required in the preceding section, it shall be lawful for the party obtaining the same, his agent, attorney, or legal representative, to file with the town clerk of the town the certificate of the justice or clerk of the court rendering the judgment, showing the facts which should have been certified by such director.

SECTION 120. If the district against which any such judgment shall be rendered, is situated in parts of two or more towns, a certificate thereof shall be delivered as aforesaid to the town clerk of each town in which such district is in part situated.

SECTION 121. The town clerk receiving either of the certificates of judgment as aforesaid shall proceed to assess the amount thereof, with interest from the date of such judgment to the time when the warrant for the collection thereof will expire, upon the taxable property of said district, placing the same upon the next town assessment-roll in a separate column, and the same proceedings shall be had thereon, and the same shall be collected and returned in like manner as other town taxes, and shall be paid to the party entitled thereto. If such district is situated in two or more towns, the clerk of each town shall, on demand of any person interested, furnish for the clerk of every other town in which any part of the district is situated, a certificate showing the total amount of the valuation of taxable property in that part of the district situate in his town according to the last assessment-roll of said town, and the amount of the judgment shall be assessed upon the respective parts of the district within the several towns in proportion to such valuation. In all cases when, for any reason, the clerk of any town has heretofore failed, or shall hereafter fail to assess the amount of any such judgment, or the proper portion thereof, in the next assessment roll after the rendition of the judgment, it shall be his duty to assess the same in any subsequent assessment-roll within two years thereafter, upon the taxable property within the district or part of a district situate within his town, according to its limits at the time of making the assessment.

The property belonging to the district is not liable to levy or sale upon an execution. Immediately upon the rendition of any judgment against a school-district, the director shall certify the same to the town clerk, or if the district be a joint district, to the clerk of each town in which such district is in part situated. If the director fail to certify the judgment, as above specified, the certificate of the justice, or of the clerk of the court rendering the judgment may be filed instead. The town clerk is then required



to assess the amount of the judgment with interest thereon, in a separate column, in the next assessment-roll, and the tax when collected shall be paid to the party entitled thereto.

#### APPEALS.

SECTION 122. Any person conceiving himself aggrieved in consequence of any decision made by any school-district meeting, or by the town supervisors in forming or altering, or in refusing to form or alter any school-district, or concerning any other matter under the provisions of this chapter, may appeal to the State Superintendent, who is hereby authorized and required to examine and decide the same, and such decision shall be final and conclusive; *provided however*, that the decision appealed from shall be operative until the State Superintendent shall reverse the same; *and provided further*, that the State Superintendent shall make and file his decision within thirty days after the hearing thereof is closed, or in cases where appeal has already been heard but not decided, then within thirty day after the publication of this act; and no decision of the State Superintendent made or filed after the lapse of said times, respectively, shall invalidate or in any way affect the decision of any school-district meeting or town supervisors from which such appeal has been or may be made.

An effort has been made to give, under the appropriate section, in the foregoing pages, such an exposition of the statutes relating to common schools as will aid school-officers in the discharge of their duties. If, however, after examination of these instructions, it is deemed necessary to apply to the department for further information, it must be borne in mind:

1. That no *decision* can be rendered on any subject affecting in any manner the rights or interests of different parties, without giving to both sides an opportunity of being heard. This occurs when an appeal is regularly brought in the manner prescribed in the rules regulating appeals, or when all parties have signed and united in transmitting a statement of facts in regard to which they agree.

2. That an *opinion* given without affording to both sides a hearing must be regarded as valid only so far as the statement on which it is founded represents fully and fairly the facts in the case. Sometimes it happens that two persons, applying for advice upon the same question, state the facts differently, and of course receive dissimilar replies. They are thus confirmed in their difference of opinion, instead of being reconciled. No opinion should be asked upon a hypothetical case; but the actual *facts* out of which the

question arises should be clearly and briefly stated, with all practicable certainty as to dates and numbers, and in such a manner as to indicate the object of the inquiry.

It is desirable that one page of all letters sent to the department should be left blank. Those addressing the office, no matter how frequently they may write, should state the name of the post-office to which they desire replies to be sent.

Oftentimes the advice of the county superintendent will be sufficient to arrange differences that may arise. If neither in this way nor by writing to this department such differences can be settled, an appeal may be taken.

The following are the

#### RULES RESPECTING APPEALS.

1. An appeal must be in writing, addressed to the "Superintendent of Public Instruction," and signed by the appellant, but no particular form of statement is necessary.

2. The appeal should be as brief as is consistent with a complete statement of the case. It should set forth the action or proceedings appealed from, and the reasons why such action should be set aside. If the appeal is founded upon the refusal of the supervisors to act, the reasons why the action asked for should have been taken by such supervisors must be clearly shown. If the appeal relates to the formation or alteration of a district, a map or plat of the territory affected by the action appealed from should be prepared, showing the boundaries of the district or district embraced therein, the location of the residents of the inhabitants, the highways, marshes, etc. A statement showing the assessed valuation of the district or districts, or of the several parts of a districts divided, and the number of children over four and under twenty years of age residing in each, should accompany the map, and form a part of the papers in the case. When the papers are completed, they should be fastened together, numbered or lettered for reference, and an affidavit attached setting forth that the statements therein made are true, and that that the map, list of children, and valuation of property are correct. The affidavit may be in form as follows:

A. B., being duly sworn, deposes and says, that the statements made in the above appeal, all and several, are true, according to the

best of his knowledge and belief, and further, that the accompanying map, list of children, and valuation of property are correct.

[Signed]

\_\_\_\_\_,  
*Appellant.*

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

NOTE—In other matters than formation or alteration of districts, the latter part of the affidavit may be omitted, or any needed change made.

3. A complete and correct copy of the appeal and affidavit, and all accompanying papers should be made, to which another affidavit should be attached, stating that they are correct copies of the papers in the case.

The form of this affidavit may be as follows:

A. B., being duly sworn, deposes and says, that the above is a full and correct copy of an appeal and all accompanying papers, designed to be sent to the Superintendent of Public Instruction.

[Signed]

\_\_\_\_\_,

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_, 18—.

C. D.,  
*Justice of the Peace.*

This affidavit should be made upon the copy only—not upon the original appeal that is to be sent to the State Superintendent. This copy should then be served upon the party from whose action the appeal is taken, either by handing it to him, or leaving it at his residence. If the appeal is from the action of the supervisors, the chairman of the board is a suitable party upon whom to serve the copy. If from the proceedings of a district meeting, upon the clerk or chairman of the meeting. It should not be served, however, upon an individual who did not sustain the action appealed from, as in that case no answer is likely to be made.

The person serving the copy of appeal, should carry with him the original appeal, so that, if desired, the party from whose action the appeal is taken, may admit service of a true copy, by the following form indorsed upon the original appeal:

I, E. F., do hereby admit service of the above (or within) appeal.

[Signed]

\_\_\_\_\_.  
\_\_\_\_\_.

In case no such admission of service be made, the appellant will append to his appeal an affidavit of the following form:

A. B., being duly sworn, deposes and says, that upon the — day of —, 18—, he did serve a true and verified copy of this appeal, and all accompanying papers, upon E. F., by handing the same to the said E. F., (or by leaving it at his residence, as the case may be.)

[Signed]

— —.

Sworn to and subscribed before me this — day of —, 18—.

C. D.,

*Justice of the Peace.*

When several persons unite in making an appeal, the affidavits may be so changed as to admit the names of all the appellants, and each should sign the appeal and subscribe to each and every affidavit. When the action appealed from is the action of several persons, it is sufficient to serve a copy of the appeal upon any one of the number, though it should always be served upon one not agreeing with the appellants, that an answer may be made.

When all the above directions are complied with, the original papers are ready to be forwarded to this office.

4. An appeal should be taken within thirty days from the performance of the act appealed from, or within thirty days after the action complained of has come to the knowledge of the appellant.

#### THE ANSWER.

1. The appellee has fifteen days in which to prepare his answer, and all the directions above given, in reference to the preparation and service of a copy of the appeal papers, should be complied with in preparing and serving the answer upon the appellant, before it is forwarded to the State Superintendent. The forms of affidavit given above, will answer in all cases for forms to be used by the appellee, by changing the words so that the affidavit shall refer to an "answer to an appeal," instead of to an appeal, and by signing it as appellee instead of appellant.

2. The answer to an appeal may be served upon any one of a number of appellants. When the town board of supervisors is a party, and papers have been served upon the chairman, if he is in favor of the party appealing, one of the other supervisors should make answer.

8. In case of neglect of the proper appellees to answer an appeal, any person having an interest in the matter may make answer to it, being governed in all cases by the same rules as would govern an appellee.

#### REPLICATION OR REJOINER.

A replication or rejoinder will be allowed, upon proof that new facts have come to the knowledge of the party wishing the rejoinder since the appeal or answer has been submitted to the State Superintendent, or that there are material errors in the statements of the other party.

#### GENERAL REMARKS.

If the appellant or appellee presents statements of other parties, these statements should be verified by the affidavit of the person making the same.

All decisions on appeal must be filed or recorded as the State Superintendent shall direct.

No decision can be rendered on *ex parte* statements. No papers will be considered that are not properly verified, and properly served on opposing parties.

The propriety of leaving out of appeals all matters of a purely personal character, except as they may have a direct bearing upon the subject, is obvious.

As appeals are decided upon written and not upon oral evidence it is not necessary or proper for either party to appear in person, excepting to be heard in the case without the presence of the other party.

Particular care should be taken to follow the directions in regard to affidavits, serving copy, etc., so that it may not be necessary to send papers back for correction.

Not only must every paper presented in a case, by either party, be verified by affidavit, and a copy be served on the other side, but in making the copy, care must be taken to give every affidavit as well as the statement which it verifies. If this is not done, the party upon whom such copy is served has no evidence that the original was sworn to.

If the appeal is not taken or the answer or rejoinder made within the prescribed time, the reasons for the delay must be given.

Most of the appeals made to this department grow out of the alteration or formation of school-districts, or the refusal to form or alter the same. In view of this fact the Superintendent is led to remark, not only that these controversies are often very injurious to the interests of education, but that they would be avoided, so far as they relate to matters of school-districts, if towns favorably situated for the purpose would adopt the "town organization of schools," the law providing for which is given on a subsequent page.

APPEALS BY TEACHERS.

Any person refused a certificate by the county superintendent of schools, may make appeal to the State Superintendent, according to section 110, using the following form:

*To A. B., County Superintendent of Schools for — County:*

SIR: You are hereby notified that I intend to appeal from your refusal to grant me a certificate, and I hereby ask you for your reasons for such refusal, that I may present the same to the State Superintendent, when I appear before him for re-examination.

Respectfully, yours,

— — —

The teachers applying for a re-examination will be expected to present the statement of reasons for refusal of certificate by the county superintendent, also certificates from responsible parties as to moral character of applicant; and if an applicant for any other than a third-grade certificate, some testimonials of success in teaching. He should notify the Superintendent of Public Instruction, by letter, of his intention to apply for a re-examination that a time may be fixed, which may be convenient to both parties.

In case a teacher's certificate is annulled, he also has a right of appeal. For this purpose the following form may be used:

*To A. B., County Superintendent of Schools for — county:*

SIR: You are hereby notified that I intend to appeal from your action in annulling my certificate, and I hereby ask for your reasons for such action, that I may present the same to the State Superintendent.

Respectfully, yours,

— — —

The directions given above in regard to an appeal from a refusal

to grant a certificate, are to be followed, as far as applicable, in an appeal from the action of a superintendent in annulling a certificate.

#### FINES AND PENALTIES.

SECTION 123. Every taxable inhabitant receiving the notice mentioned in the second and third sections of this chapter, who shall neglect or refuse duly to serve and return said notice, and every chairman of the first district meeting in any district, who shall willfully neglect or refuse to perform the duties enjoined on him by this chapter, shall respectively forfeit the sum of five dollars.

SECTION 124.\* Every person duly elected to the office of director, treasurer, or clerk of any school-district, who shall neglect or refuse, without sufficient cause, to accept of such office and serve therein, or who, having entered upon the duties of his office, shall neglect or refuse to perform any duty required of him by the provisions of this chapter, shall forfeit the sum of ten dollars; and any school-district officer may, for willful neglect of any duty, be removed from office by the county judge of the county in which such school-district officer shall reside. The application for such removal shall be by written petition of a majority of the legal voters of said school-district in which such officer resides, or of any person aggrieved by such neglect of duty. Such petition shall contain a full statement of all charges preferred against such officer, and a copy of said petition, together with a notice of the time and place (within said county,) when and where a hearing upon such petition will be had before the county judge, shall be served upon said school-district officer at least ten days before such hearing. Upon the hearing, the officer so proceeded against, shall have full opportunity to be heard in his own defense, and the county judge shall have authority to administer oaths to witnesses offered in relation to the charges in such petition, and upon satisfactory proof of such neglect of duty, may, by order under his hand, remove such school-district officer from his office, and, in case of removal, shall forthwith file such order in the office of the town clerk of the town in which the district affected by said order is situated, and shall also forthwith cause a copy of such order to be served upon each of the remaining officers of such district. And the person so removed from office shall not be appointed under section 50 of this chapter to fill the vacancy occasioned by such removal. For all service performed under the provisions of this act the said county judge shall receive from the county treasurer the sum of three dollars for each day actually employed.

SECTION 125. Every school-district officer who shall neglect or refuse to deliver to his successor in office all records, books, and papers appertaining to such office, shall be subject to a fine not exceeding fifty dollars.

SECTION 126. Every clerk of a district who shall willfully sign a

\*See chapter 175, general laws 1869.

false report to the town clerk of his town, with intent of causing such town clerk to apportion to his district a larger sum than its just proportion of school-moneys, shall be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months; and any district clerk who shall willfully neglect to make the annual report from his district, as required by this chapter, shall be liable to pay the whole amount of money lost by said district in consequence of his neglect, which money shall be recovered in an action prosecuted by the director, in the name of the district.

SECTION 127. Every town clerk who shall neglect or refuse to make and deliver to the county superintendent his annual report, as required in this chapter, within the time limited therefor, shall be liable to pay the full amount of money lost by such neglect or refusal, with interest thereon, to be recovered by the town treasurer, in the name of the town; and every town clerk who shall neglect or refuse to carry into effect any decision or order of the State Superintendent, shall be liable to removal by the town board of supervisors, upon proper notice thereof; and the said board shall have full power to fill any such vacancy in such manner as vacancies in other town offices are filled.

SECTION 128. In case the town board of supervisors shall refuse or neglect to carry into effect any decision of the State Superintendent, made upon an appeal from their action or refusal to act, each member of the board thus refusing or neglecting shall be liable to a penalty of fifty dollars, to be prosecuted for and recovered by any elector of the district from which the appeal is taken. Suit shall be brought in the name of the district, and in case judgment shall be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expenses of the prosecution, and the balance, if any, shall be paid into the district treasury.

SECTION 129. Every county superintendent who shall neglect or refuse to make the report required in this chapter to be made by him to the State Superintendent, within the time limited therefor, shall be liable to pay to each town the amount which such town, or any school-district therein, shall lose by such neglect or refusal, with interest thereon, to be recovered by the town treasurer in an action prosecuted in the name of the town or district.

SECTION 130. All moneys collected or received by any town treasurer, under the provisions of section one hundred and twenty-seven and section one hundred and twenty-nine of this chapter; shall be apportioned and distributed to the school districts entitled thereto, in the same manner and in the same proportion that the moneys lost by any refusal or neglect therein mentioned, would, according to the provisions of this chapter, have been apportioned and distributed.

SECTION 131. Any teacher who shall wilfully neglect or refuse to comply with the requirements of section forty-five of this chap-



ter, relative to keeping a school-register, shall forfeit his or her wages for teaching during the time of such neglect or refusal.

SECTION 132. The treasurer of any legally organized school-district shall prosecute the town treasurer of the town in which such district is situated, for the recovery of any money lawfully due and belonging to such district, in all cases where such town treasurer shall neglect or refuse, for the space of ten days from the time fixed by law therefor, to pay over to the proper officer the school-moneys as aforesaid.

SECTION 133. It shall be competent for any town treasurer, in case of default of the town treasurer, to pay over the school-moneys which by law should be paid to such town treasurer, to commence action on the official bond of the county treasurer for the recovery of such moneys.

SECTION 134. Any district treasurer who shall use or pay out any moneys in his hands belonging to the district, without authority of law, shall be liable to a penalty of not less than five nor more than fifty dollars, and it shall be the duty of the director to prosecute the treasurer for the recovery of said penalty. In case the director shall refuse or neglect to prosecute, he shall be liable to a penalty of twenty dollars.

SECTION 135. Any district treasurer who shall purchase or receive any order drawn upon him, for less than the sum expressed in said order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding thirty days.

SECTION 136. Any clerk who shall draw an order upon the treasurer for the payment of wages of a teacher, not legally qualified, or for any other purpose not authorized by law, and every director who shall countersign such order, shall be liable to a fine of not less than twenty nor more than one hundred dollars; and any elector may prosecute for the use and benefit of such district, for the recovery of the fine prescribed in this section.

SECTION 137. In the prosecution of actions under this chapter, a copy of the official bond sued upon, duly certified by the officer in whose custody such bond is placed by law, shall be deemed sufficient for all purposes of proof required by law in said actions. And any actions under this chapter in which the sum claimed to be justly due, or the penalty and forfeiture incurred, shall not exceed the sum of one hundred dollars, may be commenced and prosecuted before any justice of the peace, in the same manner as other cases.

SECTION 138. Whenever any person designated by this chapter to prosecute a district or other school officer for neglect of duty or for illegal action, shall fail or neglect to prosecute said officer for the space of ten days after being requested by any elector so to do, and in all cases not specially provided for, any elector may prosecute such officer in the name and for the use and benefit of such district, for the recovery of the fine or the infliction of the penalty prescribed by law for the failure of such officer to perform his duty, or for the illegal action of said officer, and in case judgment shall

be rendered against the defendant, the forfeiture recovered shall be applied in the first place to pay the necessary expences of prosecution, and the balance, if any, shall be paid into the district treasury.

SECTION 139. All the provisions of section forty-three, of this chapter, in reference to the annual reports of the district clerks, shall apply to and be in force in every city and incorporated village in this State, and each city and village clerk, or clerk of the board of education, shall make and transmit to the county superintendent of schools for the county or district in which such city or village is situated, the report required by section fifty-seven, of this chapter, within the time therein prescribed, any provisions of their charters or any law of this State to the contrary notwithstanding.\*

SECTION 140.† Any person who shall willfully and maliciously interrupt or in any way molest or disturb any private or public school, while in session, shall, upon conviction thereof, be punished by fine not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding thirty days. Justices of the peace and police justices shall have concurrent jurisdiction with the circuit court in all cases arising under this section.

SECTION 141. The State Superintendent is hereby authorized and required, on or before the first day of June, in each year, to furnish to each school-district clerk, town clerk, and county superintendent of schools in the State, a blank form upon which such officers shall make their annual reports.

SECTION 142. Whenever hereafter any amendment shall be made to the provisions of this chapter, it shall be the duty of the State Superintendent to furnish a copy of such amendment to every school-district in the State.

SECTION 143. All acts and parts of acts the provisions of which are fully embraced in this act, are hereby repealed.

Approved March 28, 1863.

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\* See chapter 128, general laws 1870. † See chapter 135, general laws 1874.

# Township System of School Government.

[Chapter 182, General Laws 1869.]

## TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT.

SECTION 1. Each town which is now or may hereafter be organized in this State is hereby declared and constituted one school-district for all the purposes of this act, and the several school-districts and parts of joint districts which are now or may hereafter be established in the several organized towns, shall be styled and known as sub-districts.

SECTION 2. New sub-districts may be formed and the boundaries of any sub-district may be altered by the town board of directors at any regular meeting of said board; *provided*, that the formation and alteration of any joint sub-districts shall be by the concurrent action of the board of directors of all the towns embraced in part in such sub-districts.

## THE TOWN BOARD OF DIRECTORS.

SECTION 3. The clerks of the several sub-districts in any organized town, together with the clerks of the joint sub-districts, the school-houses of which are situated in such town, shall constitute the town board of school-directors.

SECTION 4. The said board shall be a body corporate, and shall possess the usual powers of a corporation for public purposes, by the name and style of "the board of school-directors of the town of——," (the name of the town to which the board belongs,) and in that name shall sue and be sued, and be capable of contracting and being contracted with, and of holding real and personal estate and of selling the same, as authorized by the provisions of this act.

SECTION 5. The board of directors in each town are hereby invested in their corporate capacity, with the title, care, and custody of all school-houses, school-house sites, furniture, apparatus, and other property of all kinds belonging to the sub-school-districts therein, with full power to control the same, in such manner as will best subserve the interests of the schools in such town.

SECTION 6. The said board shall meet annually upon the first Monday in October in each year, at or as near as may be, the place

where the last annual election was held. The second regular meeting of the board shall be held on the third Monday of March in each year. The hour of meeting shall be ten o'clock in the forenoon.

SECTION 7. Special meetings may be called by the president and secretary upon the application of one-third of the members of the board. Such meetings shall be called by notifying each member of the board personally, or by leaving a written notice at his place of residence or business, stating the time, place, and objects of the meeting, at least five days before the time appointed therefor.

SECTION 8.\* The members of the board, a majority of whom shall constitute a quorum, assembled at the first and each succeeding annual meeting, shall elect from their number a president and vice-president, and a secretary, who may or may not be one of their number; *provided*, he shall be a resident of the town to which the board belongs. The said secretary shall receive compensation for services rendered at not less than two dollars nor more than three dollars per diem; and shall present a statement of services rendered at the annual meeting of the board.

SECTION 9. The board of each town shall have power to purchase or hire houses and rooms for the use of schools, and to fence and improve the same as they may deem proper, and upon such sites, to build, enlarge, alter, improve and repair school-houses, out-houses or any other buildings for school-purposes, as they may deem advisable; and also, whenever in the opinion of the board any school-house or school-house site is no longer needed for school-purposes, the same may be sold and conveyed in the corporate name of the board, such conveyance to be executed by the president and secretary of the board.

SECTION 10. It shall be the duty of the board, at the regular meeting in March, to estimate and determine the amount of money which will be necessary for the support of schools, and for the building and repairing of school-houses in the town for the year ensuing.

SECTION 11. It shall be the duty of the board to establish and maintain such and so many schools in the several sub-districts under their charge as they may deem requisite and expedient; *provided*, that there shall be at least one common school in each sub-district, and that all such schools shall be kept each year not less than five months. The board shall have in all respects the supervision and management of all the schools, with full power to adopt, enforce, modify, and repeal, from time to time, all rules and regulations not inconsistent with the laws of this State necessary for their organization, gradation, and control, and for the instruction given them in the different branches of education taught therein, and to establish and enforce proper penalties for the violation of such rules.

SECTION 12. All the powers conferred upon school-district boards by the provisions of chapter 155, of the general laws of 1863, and

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\* See chapter 94, general laws 1872.

the acts amendatory thereto, excepting those, the exercise of which would conflict with the provisions of this chapter are hereby conferred upon the town boards of directors provided for in this act.

#### THE EXECUTIVE COMMITTEE.

SECTION 13. The president, vice-president, and secretary of the town board of directors shall constitute an executive committee, which committee shall carry out, put in force, and execute all orders of the board, and for this purpose all power and authority vested in the board by the provisions of this act shall be deemed vested in the executive committee, and any duty devolved upon the said board by the said provisions shall devolve upon the executive committee: *provided*, that all the acts of the executive committee shall be subject to review by the board at any regular meeting thereof.

SECTION 14. The executive committee shall employ so many qualified teachers as they may deem necessary to give instruction in all the schools under the charge of the board. Each contract shall be in writing, shall be signed by the teacher, and by the president and secretary, and shall specify the wages per week, month, or year, as agreed upon by the parties.

#### THE SECRETARY OF THE TOWN BOARD.

SECTION 15. The secretary shall record all of the proceedings of the board in a book kept for that purpose; he shall keep an accurate and specific account of all expenses incurred by the board, including a list of all orders drawn by him, with the date, amount, person in whose favor, and object for which each order was issued; he shall properly file all papers deposited with him in accordance with law, and shall keep and preserve all books, papers and records belonging to his office, and deliver the same to his successor.

SECTION 16. He shall make and keep in his office an accurate map of his town, showing the boundaries of all sub-districts and joint sub-districts, and the location of all school-houses and highways therein. When a new sub-district is formed by the board of directors, or one is altered, he shall within ten days thereafter, certify to the clerk of each sub-district affected by such formation or alteration, a copy in writing of the record of the action of the board in the matter.

SECTION 17. He shall have the immediate charge and supervision of all the schools in his town, and shall, under the direction of the board of directors, organize and grade them, and assist the several teachers thereof in classifying and arranging them. He shall visit each school in his town at least twice during each term thereof; shall examine into its condition and progress, consult with, and advise the teachers in regard to methods of instruction and government, and shall report to the board from time to time such improvements as his experience shall dictate are calculated to benefit the school.

SECTION 18. He shall draw orders on the town treasurer for moneys in the hands of the treasurer which have been apportioned to the town, and for moneys collected or received by him from other sources for school-purposes, for the payment of teachers' wages, the purchase of school-house sites, the building, buying, hiring, repairing and furnishing of school-houses, and for all other purposes authorized by this act or by the board of directors acting under it: *provided*, that each order shall designate the object for which and the fund upon which it is drawn, and shall be countersigned by the president.

#### ANNUAL STATEMENT OF THE SECRETARY.

SECTION 19. It shall be the duty of the secretary, at least five days before the annual town meeting or election each year, to make to the board of supervisors of the town a written statement, showing the receipts of moneys for school-purposes from all sources, and the disbursements of the same during the year ending on the third Monday of March, in which statement shall be given, under separate heads—

- 1st. The amount in the treasury at the beginning of the year.
- 2d. Amount received from the State fund.
- 3d. Amount collected by town treasurer.
- 4th. Amount received from all other sources.
- 5th. The manner in which sums have been expended, specifying the amount paid under each head of expenditure.
- 6th. Amount remaining in the treasury.
- 7th. Amount of indebtedness of the township-district, and when and how payable.

The secretary shall accompany the above statement with the estimates of the board of the amount necessary for the support of schools during the ensuing year, specifying the sums needed under the following heads:

- 1st. Amount for teachers' wages.
- 2d. Amount for school-house sites, and for building, hiring, or purchasing school-houses.
- 3d. Amount for fuel.
- 4th. Amount for incidental expenses, including repairs, maps, globes, charts, and for all needful school-room appurtenances.
- 5th. An amount, not to exceed one hundred dollars, to purchase library-books.

SECTION 20. It shall be the duty of the board of supervisors of each town in the State to present the statement and estimates above mentioned to the electors of the town, at the annual town meeting or election, and the items of said estimates shall be passed upon separately by a vote of the electors present; *provided*, that upon motion they may be increased or diminished; *and provided further*, that if, for any reason, moneys for the support of schools shall not be voted at the annual town meeting, or a sufficient amount shall not then be voted, the supervisors shall present the estimates before

mentioned to the electors at the general election in the fall for a vote thereon.

SECTION 21. The secretary shall furnish school-registers in the form prescribed by the State Superintendent of Public Instruction, in which every teacher in the town shall be required to enter the names, ages, and studies of all the scholars attending school, and daily their attendance and absence, which registers shall be deposited with the clerks of the sub-districts at the end of each term of school.

ANNUAL REPORT OF THE SECRETARY.

SECTION 22. It shall be the duty of the secretary, between the fifteenth and twenty-fifth days of September in each year, to make and transmit to the superintendent of schools for the county, a report in writing, bearing date on the 15th day of September in the year of its transmission, stating—

1st. The whole number of sub-districts and parts of sub-districts separately set off within the town.

2d. The length of time a school shall have been taught in each of said sub-districts or parts of districts.

3d. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

4th. The whole amount of money received in the town for school-purposes since the date of the last preceding report, setting forth separately the amount received from the State through the county treasurer, the amount levied by the county board of supervisors, and the amount raised by the town at its annual town meeting.

5th. The manner in which said moneys have been expended, and whether any and what part remains unexpended, with such other information as the State Superintendent may from time to time require.

SECTION 23. The town clerk shall assess all sums voted at the annual town meeting, or at the fall election, for the support of schools, upon the real and personal property of the town as found in the assessment-roll for the year in which said moneys are voted, and the sums so assessed shall in all respects be collected or returned delinquent like other taxes, and when collected the money shall be held by the treasurer and be by him paid out on the order of the president and secretary of the town board of directors.

SECTION 24. If for any reason the electors of a town shall fail to vote an amount of money sufficient to maintain a school in each sub-district for the term of five months during the year ensuing, then the secretary shall, on or before the fourth Monday of November of the year in which the electors shall fail to vote as aforesaid, certify to the town clerk the amount estimated by the board of directors as necessary for teachers' wages, fuel, repair of school-houses, and incidental expenses, and the town clerk shall assess the aggregate sum thus certified upon all the taxable property of the

town in the assessment-roll for that year, and the town treasurer shall collect the same with the other taxes.

SECTION 25. It shall be the duty of the town treasurer of each town to apply for and receive from the treasurer of his county, all moneys apportioned for the use of common schools in his town, and to pay out the same, together with all moneys collected or received by him for school-purposes, upon the order of the president and secretary of the town board of directors.

#### ANNUAL MEETING OF SUB-DISTRICT.

SECTION 26. The annual meeting of each sub-district shall be held on the last Monday in September in each year. The time of such meeting shall be seven o'clock in the afternoon.

SECTION 27. The inhabitants qualified by law to vote at a sub-district meeting, when assembled in annual meeting, shall have power and it shall be their duty—

1st. To appoint a chairman for the time being.

2d. To appoint a secretary, if the district clerk shall be absent.

3d. To choose a clerk.

4th. To recommend to the town board of directors the number of months they desire to have school maintained in their sub-district the ensuing year; and whether they desire a male or female teacher; the improvements and repairs which ought to be made on the school-houses, out-houses, grounds, etc.; what maps, charts, or other aids in teaching should be furnished, and generally, anything, matter, or plan which, in their judgment, will advance the cause of education and benefit the school of their sub-district.

#### CLERK OF SUB-DISTRICT.

SECTION 28. The clerk shall record the proceedings of all sub-district meetings in a book kept for that purpose, shall certify to the town board of directors any recommendations adopted by the electors of his sub-district in accordance with the provisions of the preceding section, and shall have charge of the school-house and of all property therein or belonging or attached thereto, subject to the order or direction of the board of directors.

SECTION 29. He shall be a member of the town board of directors, shall attend all meetings of the board, and shall carry out all lawful orders of the same, having reference to the school-house of his district or the school maintained therein.

SECTION 30. He shall give at least six days previous notice of every annual meeting of the electors of his sub-district, by posting notices therefor in four or more public places in the sub-district, one of which notices shall be affixed to the outer door of the school-house, and he shall act as secretary of all such meetings when present.

SECTION 31. When any sub-district is formed, or a vacancy occurs in the office of sub-district clerk, the executive committee of the town board of directors shall appoint a clerk, who shall hold



his office until the annual meeting of the sub-district next succeeding such appointment.

#### JOINT SUB-DISTRICTS.

SECTION 32. When a sub-district is composed of parts of two or more towns, the board of directors of the town in which the school-house is situated shall have the entire control of said sub-district, and shall maintain school therein as in other sub-districts; and the clerk of said joint sub-district shall be a member of the board of directors of said town, whether he resides in the same or not. At the annual meeting in October, the board of directors shall calculate and determine the cost of maintaining the school in said joint sub-district for the year ending at the close of the term preceding the meeting of the board, and the secretary shall certify such amount to the secretary of the board of each town embraced in part in such joint sub-district, together with the assessed valuation of said sub-district and of each part thereof, as found in the assessment-roll of said town for that year. On the receipt of such certificate, the secretary of the board of directors of each of said towns shall draw an order on the treasurer of his town in favor of the treasurer of the town in which the school-house of said joint sub-district is situated, for such a proportion of the whole cost of maintaining said school as aforesaid, as the assessable property of his town embraced in said joint sub-district is to the whole valuation thereof; and said order shall be paid out of any moneys in the hands of said treasurer, collected or received by him for the support of schools in his town.

SECTION 33. In case either of the towns embraced in part in said joint sub-district shall not have adopted the township system of school government, the certificate before mentioned shall be made to the clerk of said sub-district, and it shall be his duty to incorporate the proportional sum mentioned in the preceding section in the returns of district taxes made by him to the town clerk of his town, on the *fourth* Monday in November succeeding the receipt of said certificate, and the said sum shall be assessed and collected with the other taxes of that part of the joint sub-district, and shall be paid over by the town treasurer collecting the same, to the treasurer of the town in which the school-house is situated.

SECTION 34. When the school-house of a joint sub-district is situated in a town which has not adopted the township system of school government, the taxes for the support of schools shall be raised, assessed, and collected as provided in chapter 155, of the general laws of 1863, and the acts amendatory thereto; but if any portion of said joint sub-district shall be embraced in a town which has adopted said township system, then the proportion of any district tax which should be assessed upon the property of such part of said sub-district, shall be certified by the town clerk of the town in which the school-house of said joint sub-district is situated, to the secretary of the town board of directors of the town comprising the part of the said joint sub-district before mentioned, and

said secretary shall draw an order upon the town treasurer of his town, in favor of the treasurer of the joint sub-districts for the amount of tax thus certified, and the said town treasurer shall pay the same out of any moneys held or received by him for school-purposes.

#### EQUALIZATION OF COST OF SCHOOL-HOUSES.

SECTION 35. Prior to the erection of any school-house by the town board of directors, they shall estimate and determine the valuation of all the school-houses and sites in their town, and when so determined the secretary shall place upon record a tabular statement containing the number of each sub-district, the value of its school-house and site and the valuation of its taxable property, as appears from the last assessment-roll of the town; and thereafter for a period of ten years from the date of the meeting at which such determination of values was had, when a tax shall be voted to build a school-house or purchase a site, such tax shall be so distributed and assessed upon the several sub-districts, that those having the least amount invested in school-houses and sites in proportion to the assessed valuation of their property, as appears from the record made at the time of the determination of values aforesaid, shall pay most towards said tax in proportion to the assessed valuation of their property at the time the tax is assessed, in order that the sums paid by the different sub-districts in the town for the purchase of sites and the erection of school-houses, shall be equalized; *provided*, that if the board of directors of any town shall decide that the taxes for the purchase of sites and the erection of schoolhouses shall be assessed equally upon property, then the aforesaid provisions in reference to equalizing such taxes shall not be operative in such town.

#### CITIES AND VILLAGES EXEMPT FROM THE SYSTEM.

SECTION 36. Each city in this State, and every village having a graded school with not less than three departments, shall constitute a separate school-district; and all those cities and villages having no system of school government provided for in their charters, shall be subject to the provisions of chapter 155, [general laws of 1863,] and the acts amendatory thereto. Whenever the territory of a school-district of an incorporated village shall extend beyond the limits of said village, the whole of such territory shall remain in such district and form a part thereof until detached by authority of law, and the provisions of this act shall have no force or effect in such villages or districts.

#### TIME FOR VOTING ON THE SYSTEM.

SECTION 37.\* The legal voters of any town in the State may, at any town meeting or spring election or at any fall election, vote

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\* See chapter 33, general laws 1870, and chapter 94, general laws 1872.

upon the question of "township school government." Such voting shall be by ballot, and the ballots used shall have written or printed thereon the words, "township school government—yes;" or the words, "township school government—no." A special box shall be provided for the reception of said ballots, and the votes cast shall be counted, canvassed, and a record thereof made as in the case of other votes cast at such election; and if it shall appear that a majority of the ballots cast have written thereon the words, "township school government—yes," then the provisions of this act shall immediately become operative in such town; otherwise they shall have no force or effect therein. No vote shall be taken upon the question of township school government in pursuance of this act, unless notice thereof shall be given as hereinafter provided. The town clerk of any town, upon the petition in writing of any ten electors of said town, shall publish by posting in three of the most public places in said town a notice in writing, that the question of township school government will be submitted to the electors of said town at the ensuing town meeting or fall election. Such notice shall be published and posted at least ten days before the holding of any such town meeting or fall election; and any town having adopted the township school government according to the provisions of this act, may abolish the same at any town meeting or spring election, or at any fall election in the same manner as provided for its adoption in this section; *provided*, that the system of township government shall continue in force two years from the date of its adoption, before the question of abolishing it shall be acted upon, as heretofore provided.

#### THE FIRST BOARD OF DIRECTORS.

SECTION 38. The clerks of the various school-districts, together with the clerks of the joint school-districts, the school-houses of which are situated in any town adopting the township-system in the manner provided in the preceding section, shall constitute the first board of directors for such town. They shall meet and organize within two weeks after the election at which said township system shall be adopted, and they shall hold their offices till the next annual meeting of the sub-districts of their town.

Not many towns have as yet made trial of the system provided for in the preceding act. There is a natural hesitation in changing from the methods of school-management with which people are familiar, to others that are new to them. It will be seen that section 37 of the law is so modified that any town which adopts the new system and is not satisfied with it, can return to the old one, but not till after a trial of two years. With a little patience however, and a willingness to consider the general good rather than local advantage, the town organization will be found much better than the plan of single independent districts.

Another amendment of the law in 1873, made by the legislature, is a provision for compensating the "secretary of the town board of directors" for his services. (See section 8.)

On application to the State Superintendent, documents will be furnished showing the superior advantages of this system over the single-district system.

"Some of the immediate benefits of the town organization would be," says a predecessor in office, Hon. J. G. McMynn:

"1. To secure in each town as many schools as there are now districts, and more or less as may be found best; all of them, however, so organized as to be parts of a system adapted to the special wants of a community.

"2. To end disputes about district boundaries.

"3. To dispense with a large number of school-officers, and to reduce largely the number of school-elections.

"4. To provide for each child going to that school which is most convenient and beneficial to him, considering his attainments and the studies he is pursuing.

"5. To diminish the aggregate expense of the schools, and to establish a uniform rate of taxation for the town.

"6. To secure an efficient system of school-supervision for each town.

"7. To enable every town to establish a system of graded schools.

"8. To secure for the schools better teachers and for the teachers better compensation.

"9. To improve school-houses and to provide them with what is needed for the use of the schools.

"10. To promote uniformity of text-books and to introduce methods of teaching and courses of study.

"11. To obtain more reliable statistics.

"12. To secure and to care for town libraries, containing a greater variety and a larger number of books than can be obtained under the present system."

# The Free High-School Law.

[Chapter 323, General Laws of 1875.]

SECTION 1.\* Any town, incorporated village, or city, or school-district which contains within its limits an incorporated village, in this State, may establish and maintain, not exceeding two free high-schools whenever a majority of the legal voters voting upon that question at any regular annual meeting thereof, or at any special meeting legally called and held for that purpose, shall determine so to do. The vote upon the question of establishing such high-school or schools, shall be taken *viva voce*, or by ballot, as may be determined by the proper authorities for calling and conducting such annual or special meeting, and the manner of taking such vote shall be specified in the notices for such meeting, whereat such vote is to be taken; *provided*, that whenever it is determined by the proper authorities to take such vote, *viva voce*, the notice thereof shall specify the hour of the day at which such vote shall be taken; *and provided further*, that the electors of any town or incorporated city or village, or any school-district which contains within its limits an incorporated village, may, at the time appointed to take such vote, *viva voce*, order and determine that such vote shall be taken by ballot, and when such order shall be thus made, the vote shall be by ballot. The vote upon the question of establishing high-schools in towns, incorporated villages, cities, and school-districts which contain within their limits an incorporated village, shall be canvassed and determined in the same manner as now provided by law for canvassing and determining votes upon other questions relating to such municipalities, and special meetings for consideration of this matter shall be called and held in the same manner as now provided by law for calling and holding special meetings for other purposes.

Before a high school can be established under this law, the electors of the town, village, city or school-district desiring it must vote on the question at an annual or special meeting. The "proper authority" for designating the manner of taking the vote in case of a town, is the chairman of the town board and the town

\* See chapter 132, general laws, 1876.

clerk; for an incorporated village, the trustees and the village clerk; for a city, as may be provided in the city charter. Special meetings to act on the question will be called in towns, as provided in chapter 15, section 16, of the revised statutes; in villages, as provided in chapter 70, section 21, of the same statutes; in cities, as the charter may provide.

The law providing for high schools is not retroactive. The general school-laws nowhere recognize existing high-schools as such, except as provided for in sections 22 to 30. In case therefore it is desired to bring any existing high school under the provisions of the new law, the town, village or city must take a vote to that effect. Such vote will be taken under the provisions embraced in the first section.

SECTION 2. Two or more adjoining towns may unite in establishing and maintaining a free high school; and the vote to thus unite shall be taken in each town separately, as hereinbefore provided. So long as any town shall decline to avail itself of the provisions of this act, any school-district or two more adjoining districts, whether located wholly in one or in different towns, may establish and maintain a free high school, and the vote upon the establishment of such high school shall be taken in each district separately, at an annual or special meeting thereof, called and held in the manner now provided by law for calling and holding annual or special school-district meetings; *provided*, that no more than two such high schools shall be established in any town; *and provided further*, that whenever any school-district or districts included in towns uniting to establish and maintain a free high-school, shall, by itself or themselves, establish and maintain a free high school in any town where no such school exists, such district shall be exempt from liability to taxation for the support of the high schools maintained by the several towns in which such school district or districts may be included.

It is to be held that a town has "declined" to establish a high school, when a vote has been taken on the question, at an annual or special meeting, and is in the negative. Measures should therefore be taken to ascertain the sense of the town on the subject before any action is taken by one or more districts. It is desirable that the town should act, but if it declines, then districts, may act. As will be seen by section 1, (as amended in 1876,) a district which embraces an incorporated village within its limits may vote on the question without waiting for the town to "decline."

The case in which the action of a district or two or more adjoining

ing districts is most likely to be successful is where they embrace within their limits an unincorporated village with a large school-house, and a good graded school already in operation.

SECTION 3. Towns, cities, and villages shall receive in trust, and faithfully expend, donations and bequests made to aid in the maintenance of free high-schools, and shall receive State aid in such cases, to the same extent and on the same conditions as if such schools had been established and maintained by taxation. Towns, cities, and villages, school-districts, and counties, in case all the towns of any county unite in the establishment of one high-school, shall have power to levy and collect taxes for the establishment and maintenance of free high-schools in the same manner as they are now by law authorized to levy and collect taxes for other purposes; to determine the length of time such free high-schools shall be maintained during the year, and the amount that shall be expended in their establishment, equipment, and management; to authorize the high-school board hereinafter provided for, to locate the free high-school permanently, or to provide that the terms of said high-school be held alternately in such school-districts embraced in the territory uniting in its support as it may designate; to authorize the said high-school board to secure by purchase, lease, or otherwise, the necessary buildings, furniture, apparatus, and text-books for the use of such schools; to hire and contract with properly qualified teachers; to apportion equitably the aggregate amount of taxes voted to be raised for the support of such high-school, and for that purpose to equalize the assessment of real and personal property made by the different town assessors, and determine the amount to be raised by each town, village, or school-district uniting in the support of a free high-school; and certify the same to the town or village clerk, whose duty it is to assess the tax upon the taxable property therein.

It is to be noted under this section that when a high school is established, it may be located permanently, or terms may be held in different localities in the districts or towns combining to support the same. It should also be noted that all the towns in a county may unite in establishing such a school. This arrangement may possibly best subserve the wants of some sparsely settled counties, and such county high-school may be permanently located or otherwise, as may be thought best. Care will need to be taken in any combination of towns or districts for supporting a high-school, that the question of taxation be properly adjusted.

It is also to be noted that the high-school district may authorize the board to do certain things. It does not follow that the board

can in no case do any of these things unless so authorized. This matter is further considered, in reference to a particular point, in the comments made on section 7.

SECTION 4. Whenever any town or towns, village, or village and town, or school district or districts, shall determine to establish and maintain a free high-school under the provisions of this act, the immediate supervision and management of such free high-school shall be vested in a board known as the high-school board, which shall be composed of three members chosen by a convention of the district officers of all the school-districts composing the high-school district, said convention and election to be held at such time and place as may be agreed upon by a majority of the said school-officers, a notice of which meeting, signed by said majority, or by some person authorized by them so to do, shall be given to the clerk of each school-district interested, whose duty it shall be to notify the other members of the board of which he is a member; *provided*, that when a single school-district shall establish a high-school in accordance with the provisions of this act, the district board of said district shall constitute the high-school board. The term of office of the members of the high-school board shall be the three years, except that at the first election of members of such board, they shall be elected respectively for one, two, and three years. Vacancies occurring in the board shall be filled in the same manner as now provided by law for filling vacancies in school-district boards; *provided*, that when two or more towns unite to form a high-school district, the county superintendent of the county in which the high school is located shall fill any vacancy that may have existed for more than ten days.

No provision being made in this section as to the length of notice for the convention of district officers to choose a high-school board, it is recommended that the time be fixed at such a date that the clerk of each school-district concerned may be able to give those not joining in the call "at least five days" notice, as in case of the first meeting of an ordinary school-district. (Section 3, School-Code.)

SECTION 5. Whenever any incorporated city, in which the management of its schools is committed to a board of education, shall determine to establish and maintain a free high school under the provisions of this act, the immediate supervision and management of such high-school shall be vested in such board of education, and such board shall have the same power and authority in relation to such high-school as is vested in high-school boards created by this act in other places.

In incorporated cities which have no board of education, but in



which the schools are under ordinary district boards, the high-school boards should be constituted as is provided in section 4.

SECTION 6. The high-school board shall choose from their own number a president and secretary, but when all the members of the board shall be agreed thereto, the secretary chosen may be a person not a member of said board. When the high-school district shall comprise more than a single school-district, the treasurer of the high-school board shall not be a member thereof, but the treasurer of the town wherein the high-school is located shall be *ex-officio* the treasurer of the high-school board.

The board is to consist of three members. They are to elect a president and secretary, who answer to the director and clerk of an ordinary district board. A secretary however, may be chosen outside the board, and this will sometimes be advantageous. In case a high-school district comprises more than one school district the treasurer of the town is to be treasurer of the high-school district. As the board of education, in an incorporated city, is to constitute the high school board, so it is to be inferred, in the absence of any other provision, that in cities having such a board the city treasurer will be *ex-officio* treasurer for the high-school board. In case a single district establishes the school, it is to be understood that as the district board becomes a high-school board, the director, clerk, and treasurer of the former will be the president, secretary, and treasurer of the latter.

SECTION 7. The high-school boards created by this act are hereby invested with the same power and authority, in connection with the high schools herein authorized to be established, as are now possessed by district boards in connection with the public schools of the State, and the duties of such high-school boards and the officers thereof shall be the same as are now imposed by law upon said school-district boards and the officers thereof, so far as the same are applicable, and they shall be subject to the same provisions of law for neglect or malfeasance, with such restrictions and additions as are provided for in this act.

To know precisely the powers and duties of a high-school board it will be necessary to consult carefully sections 46 to 56, of the School-Code, and compare them with this and the two following sections of this act.

On comparing this section with section 3, some perplexity arises as to the intent of the law. For instance, section 3 empowers a high-school district to authorize the board, among other things, to

hire and contract with properly qualified teachers. The question arises whether the board will have any power to hire teachers if not so authorized. It is not to be supposed that the law intends to depart from the usual practice in this matter. It does not empower the district to hire in case the district neglects to authorize the board to do it. Moreover, in this section now under consideration, it invests the high-school board with the same power and authority, and imposes upon it and upon its officers the same duties are imposed upon district boards and their officers. It must be held, therefore, that the board is to hire teachers, although the district neglect to perform the somewhat superfluous act of authorizing them so to do. Upon any other construction of the law, the very object of the law may be rendered nugatory.

SECTION 8. It shall be the duty of the high-school boards herein provided for, annually on or before the second Monday in July, in all cases where two or more towns or two or more school-districts constitute the territory uniting in the support of a free high school, or where a single town or school-district empowers them so to do, or where no other provision is made for that purpose, to hold a meeting and determine upon the amount necessary to be raised by tax for the support of such high school for the year; and if such school is maintained by portions of more than one town, to determine what proportion of such amount shall be raised in that part of such high-school district situated in each town; and when such determination is made, the clerk of said high-school board shall certify to the town clerks of the towns wherein such such territory is situated, the amount to be raised in their several towns respectively, designating by school-districts the taxable property upon which such amount is to be assessed; and the said town clerk shall assess, and the town treasurer shall collect the same in the same manner as school-district taxes are now assessed and collected; and such taxes, when collected, shall be paid upon demand to the treasurer of the high-school board entitled to receive the same, and by him be paid out upon orders drawn by the secretary of the high-school board, countersigned by the president thereof, in pursuance of the vote of the said high-school board, and in no other manner.

This section requires careful attention as to the matter of determining the tax to be raised, and the proportion to be assigned to the different towns or districts.

SECTION 9. The high-school boards shall have the custody and control of all the property belonging to such high-school districts, shall make all needful rules and regulations for the management of high schools; determine, with the advice and consent of

the State Superintendent of Public Instruction, the text-books, course of study, and minimum standard of qualifications for admission to the same, and establish rates of tuition for which non-residents of said high-school district may be admitted thereto.

The important point in this section is that the advice and consent of the State Superintendent must be had in determining the text-books to be used, the course of study, and the minimum standard for admission to the high-school.

SECTION 10. The secretary of every high-school board shall annually, at the time now required by law for town clerks to report to county superintendents, report to the county superintendent of the county or district in which such high-school is situated, upon blanks furnished by the State Superintendent of Public Instruction for that purpose, such facts relating to such high school as said State Superintendent may require, which shall include the number of weeks such high-school has been maintained, the whole amount expended for its support, the amount paid for instruction therein, the number of pupils attending the same, and also the average attendance. And the several county superintendents of the State shall include such reports in their reports to the State Superintendent in such form as he may require.

The reports required by this section are to be made in 1876, between the 15th and 25th days of September. Appropriate blanks will be prepared and furnished.

SECTION 11. Free high-schools, established and maintained under the provisions of this act, shall be subject to the laws of the State relating to the common schools as far as applicable, except as herein provided. Any town may, from year to year, authorize its high-school board to contract with and pay the trustees of any academy or college, having a preparatory department, in said town, for the tuition of scholars in said town, in the studies contemplated in this act under the standard of scholarship hereinbefore provided to be established; and the expenditure of any town for tuition in such academy or college shall be subject to the same conditions, and shall entitle said town to the same aid from the State as if said town had made such expenditure for a free high-school. Any high-school district may make use of any school-house or other buildings within its boundaries for high-school purposes, in whole or in part, adding thereto and equipping the same as may be necessary; *provided*, such use be with the consent of the district board of said district.

Three important items are to be noted in this section: 1. The fact that the high-schools established under this act will be subject to the ordinary school-laws, except as provision is made otherwise.

2. The power given the high-school board to utilize the instruction given in any academy or college in the same town instead of establishing a separate school. 3. The power to use any school-house in the high-school district, with the consent of the board, or any other building. Of course the consent of the owners will be required for the use of other buildings than school-houses.

SECTION 12. When any free high-school shall have been established and maintained as provided by this act for at least thirteen weeks in any one year, such high-school district, on complying with the conditions herein set forth, shall be entitled to receive from the State one-half the amount actually expended for instruction in said school, not, however, exceeding five hundred dollars in any one year to any one school or to the two schools of one town incorporated village, or city; *provided however*, that a high-school district of a larger population than three thousand shall be entitled to receive at the rate of one hundred dollars additional for each additional three thousand of population; *and provided further*, that no high-school district, town, incorporated village, or city shall be entitled to such aid unless the appropriation and expenditure for the high school or schools, on the part of such district, town, village, or city has been exclusive of the amounts required by law to be expended for common-school purposes. Such State aid shall be paid from the State Treasury on and after the first day of December of such year.

The amount required by law to be expended for common-school purposes is such an amount as is necessary to maintain a common school in each district at least five months.

SECTION 13. It shall be the duty of the Superintendent of Public Instruction carefully to examine the reports made to him annually by county and city superintendents relating to high-schools established and maintained under the provisions of this act, and the reports relative to the amount paid by towns to academies and colleges for tuition of pupils therein under the provisions of this act, and after fully satisfying himself with relation thereto he shall make certificate to the Secretary of State showing what towns or districts are entitled to aid from the State under the provisions of this act, and the amount to which each such towns or districts are thus entitled; and it is hereby made the duty of the Secretary of State, upon the receipt of such certificate, to issue his warrant upon the State Treasurer, payable to the treasurer of the town or district entitled to receive the same, for the sum thus certified as due and payable to each such town or district; and it shall be the further duty of the Secretary of State annually to include in the State tax apportioned to the several counties of the State, all amounts thus certified to by the Superintendent of Public Instruction as due and

payable under the provisions of this act, which sum shall be assessed and collected in the same manner as other State taxes are collected.

On receipt of reports of county and city superintendents, the State Superintendent will examine them and certify to the Secretary of State, as provided in this section, as to moneys due.

SECTION 14. There is hereby appropriated annually out of any money in the State treasury not otherwise appropriated, a sum sufficient to meet the expenditures authorized by this act. *Provided*, that not to exceed twenty-five thousand dollars shall be drawn from the State Treasury for the purposes of this act during any one year.

SECTION 15. The term high-school district, where used in this act, shall be deemed and held to mean and include the territory united in the maintenance of a free high-school under the provisions of this act.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

The last three sections of the act require no comment, except that the limit of the entire expenditure to \$25,000 in any one year may reduce the aid to less than one-half the amount expended by each high-school district.

# Miscellaneous Laws.

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## CONSTITUTIONAL PROVISIONS.

(Article Tenth.)

SECTION 3. The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable, and such schools shall be free and without charge for tuition to all children between the age of four and twenty years; and no sectarian instruction shall be allowed therein.

SECTION 4. Each town and city shall be required to raise, by tax, annually, for the support of the common schools therein, a sum not less than one-half the amount received by such town or city respectively for school-purposes, from the income of the school-fund.

SECTION 5. Provision shall be made by law for the distribution of the income of the school-fund among the several towns and cities of the State, for the support of the common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school-fund to any city or town, for the year in which said city or town shall fail to raise such tax, nor to any school-district for the year in which a school shall not be maintained at least three months.

## APPORTIONMENT OF SCHOOL-FUND INCOME.

(Chapter 10, Revised Statutes.)

SECTION 68.\* It shall be the duty of the State Superintendent, between the tenth and fifteenth days of June in each year, to apportion and distribute the income of the state fund for the support of common schools, which shall have been received up to the first day of June in each year, among the several counties of this state; and the share of each county, among its respective towns and cities, according to the number of children in each, over the age of four and under the age of twenty years, according to the returns thereof as made to his office for the preceding year; *provided*, that no moneys shall be apportioned to any town for any district

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\* See chapter 75, general laws of 1860. chapter 164, general laws 1872, and chapter 300, general laws of 1873.

therein, for any year during which such district shall not have maintained a common school, taught by a qualified teacher, the number of months prescribed by law, unless it shall appear to the satisfaction of the State Superintendent before the apportionment is actually made in such town, that such district has maintained a school therein by a qualified teacher, at least three months of the year, and has failed to maintain such school for the length of time required by law, only by reason of some unusual and unlooked for cause, which has prevented the keeping up of said school, there being no intent upon the part of such district to avoid maintaining a public school therein the prescribed length of time. If the reasons in this respect are sufficient, and appear to the satisfaction of the State Superintendent, he shall make such apportionment the same as if the law in this respect thereto had been fully complied with. And in case satisfactory evidence shall be laid before the State Superintendent that in consequence of a mistake by a town clerk or other officer, money was not apportioned for and received by any school-district from the income of the school fund, to which said district was legally entitled by reason of having maintained five months' school during the last preseding school year, the said State Superintendent is hereby authorized and directed to apportion to said district from said fund, the amount of money to which it shall be found entitled; provided that no such apportionment shall be made unless the application and evidence in regard thereto shall be laid before the State Superintendent within two years from the time when the mistake occurred.

SECTION 69. \* The State Superintendent shall certify the apportionment of the school-fund income to the Secretary of State, and shall immediately give notice thereof to the clerk of the board of supervisors, stating the amount apportioned to his county, and to each town and city therein; and the Secretary of State upon receiving such apportionment, shall immediately draw his warrant upon the State Treasurer in favor of the treasurers of the several counties for the amount apportioned to each.

#### OF THE DISTRIBUTION OF THE INCOME OF THE SCHOOL-FUND.

(Chapter 24, Revised Statutes.)

SECTION 1. † The income of the State-fund for the support of common schools, which shall be received up to the last day of May in each year, shall be distributed annually, between the tenth and fifteenth days of June in each year, or as soon thereafter as practicable among the several counties in this State, from which reports have been received by the State Superintendent, agreeably to law.

SECTION 2. The treasurer of each county shall apply for and re-

\* See chapter 4, general laws of 1866.

† See chapter 99, general laws of 1860, and chapter 178, general laws 1861.

ceive from the State Treasurer the school moneys apportioned to his county, as soon as the same shall become payable.

SECTION 3. Each county treasurer receiving such moneys shall immediately give notice in writing to the treasurer of each city, and to the town treasurer of each town in his county, of the amount apportioned to such town or city, and shall hold the same subject to the order of such city treasurer or town treasurer.

SECTION 4. In case the treasurer of any such city, or the town treasurer of any such town, shall not apply for and receive such moneys before the next receipt of school moneys apportioned to the county, the moneys so remaining with the county treasurer shall be added to the moneys next received by him from the State Superintendent, and distributed therewith, and in the same proportion among the several towns and cities entitled thereto in such county.

SECTION 5. Whenever it shall not appear from the certified statement of the clerk of the board of supervisors in any county, made to the State Superintendent, that the amount required by law to be raised for school purposes has been directed to be raised during the year by the board of supervisors of such county, the superintendent shall not apportion any of the State school funds to such county, and in such case the moneys so withheld shall be added to principal of the common school-fund.

#### OF THE ASSESSMENT AND COLLECTION OF TAXES.

*(Chapter 18, Revised Statutes.)*

SECTION 53.\* The board of county supervisors, at their annual meeting in each year, shall estimate and determine the amount of moneys to be raised in each town and ward in their county, for the support of common schools therein for such year, which tax shall be levied and collected in each year, and shall not be less than the amount of school moneys apportioned to such town and ward by the State Superintendent, in his last apportionment of school moneys, nor shall the amount so raised for school purposes exceed three mills on the dollar, in any one year, upon the valuation of the taxable property in such county; and every such determination for the raising of school moneys by the said board, shall be recorded by their clerk, and the sum so determined to be raised shall be assessed and collected for the use of common schools in each town and ward in such county, in addition to any sum any such town or ward may have voted to raise for the support of common schools therein.

SECTION 54. Whenever there shall have been no distribution of school moneys to any town or ward in any year, the county board of supervisors shall, at their annual meeting in that year, direct to be raised on the valuation of the taxable property in such town or ward, the same per centage or proportionable amount of taxes for

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\* See chapter 40, general laws 1866.



the support of common schools therein, as shall be required to be raised for that purpose in other towns in the country.

TRANSFER OF DEFICIENCY IN COUNTY SCHOOL-TAX.

(Chapter 164, *General Laws of 1873.*)

SECTION 3. The board of supervisors of those towns which have not raised, by order of the county board of supervisors, a sum sufficient to entitle them to an apportionment of school money for any school year, are hereby authorized to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the State Superintendent of Public Instruction, of the certificate of any town clerk that the requisite amount has been transferred, he shall apportion to said towns the full sum of school money to which said towns would have been entitled provided the county boards had levied upon each town the amounts required by law.

SECTION 3. This act shall be construed to extend to cities and villages as well as towns.

SECTION 4. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

This law enables those towns upon which the county board levied an insufficient school-tax to remedy the deficiency for the time being, and secure an apportionment from the income of the school fund. The law which follows, however, requires all such deficiencies in the levy of school taxes (and other taxes) to be made up.

DEFICIENCIES IN SCHOOL-TAX LEVIES.

(Chapter 373, *General Laws 1876.*)

SECTION 1. Whenever the board of supervisors of any county in this State shall fail to apportion against any organized town thereof, in any year, any State, county, or school-tax, or any part of any such tax, with which such town is or should be properly chargeable, it shall be lawful and it is hereby made the duty of the board of supervisors of the county in which such town is situated in any succeeding year thereafter, to apportion any and all such taxes so failed to be apportioned against such town and add the same to the amount of the annual or current tax apportioned to such town. It shall be the duty of the clerk of the said board to certify the gross amount of such tax to the clerk of such town in the same manner and at the same time as he is now required by law to certify the annual apportionment of taxes; and it shall be the duty of the town clerk of such town to calculate and carry out the gross amount of such omitted and current taxes in the manner and at the time now provided by law for carrying out taxes in town tax-rolls and warrants. The provisions of this act shall apply to the wards in cities

and incorporated towns and villages, and to such failures so to apportion that have heretofore occurred as well as to those that may hereafter occur.

The effect of this law, so far as it relates to schools, is to require county boards to remedy their own failures to levy sufficient school-taxes. It not unfrequently happens that the school-tax levied upon a town, village or city is too small because less than the last annual apportionment of school-money to such town by the State Superintendent. And it should be noted that the transfer of an amount equal to such deficiency in the tax-levy, from the general fund to the school-fund of the town, as provided for in chapter 164, general laws of 1872, does not remove the obligation to carry out the provisions of the new law. The deficiency in the tax must still be raised. Whether the town should not then be authorized to make a re-transfer from the school-fund to the general fund, is a question for the next legislature. It will be noticed, also, that the law is retroactive, covering failures and deficiencies in the past as well as the future.

#### OF THE ASSESSMENT AND COLLECTION OF TAXES.

(Chapter 96, Laws of 1859.)

SECTION 1. Whenever any organized town in this state shall have failed to levy, collect or pay over to the county treasurer of the county in which such town is situated, any state, county or school tax, apportioned to and charged against such town in any year, and now is, or shall hereafter be delinquent for the sum or any part thereof, it shall be lawful, and it is hereby made the duty of the board of supervisors of the county in which such town shall be situated, in any succeeding year thereafter, to charge over any and all such delinquent taxes, and a penalty of twenty-five per cent. to the town thus delinquent, and add the same to the amount of the annual or current tax apportioned to such town.

SECTION 2. It shall be the duty of the clerk of the board of supervisors to certify such gross amount of tax to the clerk of such delinquent town in the same manner and at the same time as he is now required by law to certify the annual apportionment of tax as provided in section 56 of the chapter to which this is amendatory.

SECTION 3. It shall be the duty of the town clerk of such town to calculate and carry out such gross amount of delinquent and current tax, in the manner and at the same time now provided by law for carrying out taxes, as provided in section 59 of the chapter to which this act is amendatory.

SECTION 4. Any town clerk who shall hereafter neglect or refuse to calculate and carry out upon the assessment roll, any tax or

taxes apportioned to any town and certified to him by the clerk of the board of supervisors of the county in which such town is situated, and attach a warrant thereto, and deliver the same to the treasurer of his town as provided by law, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than five hundred dollars nor more than one thousand.

COLLECTION OF SCHOOL-DISTRICT TAXES WHEN THE COLLECTION HAS BEEN ENJOINED.

(Chapter 76, *General Laws 1866.*)

SECTION 1. In all cases where any officer has been or hereafter may be enjoined from the collection of any school-district tax or taxes levied or assessed upon any land or lands subject, under any law of this State to taxation, and where such injunction shall be dissolved by order of the court, if such tax or taxes shall remain unpaid for thirty days after the dissolving of such injunction, such tax or taxes shall be collected in the manner hereinafter provided.

SECTION 2. The clerk of the district by and in which such tax or taxes were voted to be raised, shall make out a tax list, and shall enter therein the names of the person or persons liable to pay such tax or taxes, and opposite to each such name, in separate columns prepared for that purpose, he shall enter the amount of personal property belonging to such person, the amount of tax thereon, the collection of which has been enjoined as aforesaid, a description of the real estate belonging to such person, the valuation thereof, and the amount of tax thereon, the collection of which has been enjoined as aforesaid. The names of such person or persons, the amount of such personal property, the description of such real estate, the valuation thereof, and the amount of such tax, shall be ascertained, so far as possible, from the assessment-roll which was in the hands of the officer at the time the collection of such tax was enjoined.

SECTION 3. The clerk of such district shall annex to such tax-list a warrant under his hand, directed to the treasurer of such district, and commanding him, the said treasurer, to collect from each of the taxable persons and corporations named in such tax-list, and the owners of real estate described therein, the several sums set opposite to the persons and corporations so named, and to the several tracts of land so described, within ten days from the date thereof, and within five days from the date of such warrant, personally, to demand such tax of the persons charged therewith in such list, if they be found within his district, or upon the lands placed opposite their respective names in such list; and if any such tax shall not be paid within five days, to collect the same by distress and sale of personal property, in the same manner as town treasurers are authorized to collect town and county taxes, and the said treasurer shall execute said warrant and return the same to the clerk of such district, at the expiration of the time limited therein for the collection of such tax-list.

SECTION 4. If any tax on real estate in any tax-list delivered to the treasurer of any school-district, shall remain unpaid at the time he is required by law to return his warrant to the clerk of the district, such treasurer shall make out and deliver to the county treasurer of his county, a statement in writing, containing a description of the lots and pieces of land upon which such tax remains so unpaid, together with the amount of tax assessed to each, and the name of the person to whom each lot or piece of land is assessed; and he shall make and subscribe an affidavit to such statement before some justice of the peace, or other person authorized to administer oaths, that the taxes mentioned in such statement remain unpaid, and that after diligent efforts he has been unable to collect the same; and whenever any school district shall embrace parts of more than one county, such treasurer shall make his return as aforesaid to the county treasurer of the county in which the lands upon which such tax remains so so unpaid shall be situated.

SECTION 5. The county treasurer upon delivery to him of such statement, shall give a certificate to the district treasurer of the amount of taxes so remaining unpaid, as the same shall appear from the statement of such district treasurer, which certificate shall be deposited by the district treasurer with the district clerk, and shall be filed by such clerk.

SECTION 6. The county treasurer immediately upon receiving such statement, shall proceed to advertise and sell the said lands upon which such taxes remain unpaid as aforesaid, as appears from such statement, in the same manner and with the like notice as he is authorized to sell lands for unpaid taxes returned to him by the town treasurer.

SECTION 7. At any time within twenty days after such lands shall be sold as aforesaid by the county treasurer, the district treasurer shall present to the county treasurer a copy of the certificate so delivered to him as aforesaid by the county treasurer, which said copy shall be certified to by the district clerk, and the county treasurer shall pay to such district treasurer the amount of taxes due to such district, as soon thereafter as the same is collected.

The above law applies to cases in which the collection of a school-district tax being enjoined, the injunction is not dissolved in time to permit the officer who holds the tax-list to collect said tax.

#### EDUCATION OF CHILDREN OF THE COUNTY POOR.

(Chapter 156, General Laws of 1873.)

SECTION 1. Whenever any person of lawful school age shall be maintained at the public charge, such person shall be deemed for school-purposes, residents of any school-district in which they may habitually live.

SECTION 2. In case the person be so maintained by the county, the county board of supervisors shall, for each year, allow to any

district in which such person may attend school, an amount for each person so attending, which shall be equal to the amount expended in that year for each pupil in such district for school-purposes, which amount shall be reckoned by the district officers, without reference to the number of pauper children attending the school, and in case such person be maintained by any town, such town board of supervisors shall allow to any district in which they attend school, an amount which shall be reckoned in the same manner as herein provided in cases where the pupils are maintained by the county.

#### TEACHER'S MONTH.

(Chapter 39, *General Laws*, 1876.)

SECTION 1. Section one (1,) of chapter one hundred and sixty-eight (168,) of the general laws of 1871, is hereby amended by striking out the word "twenty-two" from said section wherever it occurs, and substituting in the place thereof the word "twenty," so that the section, when amended, will read as follows: Section one (1,) Hereafter, in all settlements for wages between teachers and school-boards, or other employers of teachers in the public schools, on all contracts that may be entered into subsequent to the passage of this act, twenty days shall be understood as constituting a school-month, unless it be otherwise specified in the contract; *provided*, that in all such settlements, on the basis of twenty days to a month, all legal holidays occurring on regular school-days, shall be counted and included, although no school be taught; *and provided further*, that teaching on Saturdays shall not be counted or included.

The effect of this act is to make the teachers' month 20 instead of 22 days, unless it be otherwise specified in the contract. It will apply to all contracts made subsequent to the 23d of February, 1876, but not to any previously made. It brings the two sections of the chapter which it amends into harmony.

#### GENERAL ELECTION DAY A HOLIDAY.

(Chapter 32, *General Laws of* 1872.)

The day of holding the general election in each year shall be a legal holiday.

#### FREE TEXT-BOOKS.

(Chapter 315, *General Laws*, 1875.)

SECTION 1. The qualified electors of any school-district or of any town in which the township system of school-government has been adopted, may, by legal vote, and the board of aldermen or board of trustees of any city or incorporated village may, by ordinance or

resolution, authorize the school board or board of school directors of such district, town, or incorporated city or village, to purchase text-books, for use in the public-schools, said text-books to be the property of the district, town, village or city so purchasing, and to be loaned to pupils or otherwise furnished to them under such conditions and regulations as the aforesaid school authorities may prescribe.

JOURNAL OF EDUCATION.

(Chapter 164, *General Laws*, 1871.)

SECTION 1. Each school-district clerk is hereby authorized to subscribe annually for one copy of the "Wisconsin Journal of Education," the subscription price and postage to be paid by the district, and to be included in any of the taxes levied by the district at an annual or special meeting, as may be convenient. Each town clerk, or if the town shall have adopted the town system of school-government, then the secretary of the town board of directors, is authorized to subscribe for one copy, the expense of which and the postage shall be paid by the town, and included in the town taxes for school purposes.

The price of the Journal of Education is \$1.10, in advance. This sum pre-pays the postage.

# Forms For Use of School Officers.

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## No. 1.

Form of order organizing a new school-district, to be filed with the town clerk.

It is hereby ordered and determined that [*here describe the territory to be comprised in the district, by sections and parts of sections*] shall hereafter constitute a school-district, to be known as school-district No. —, of the town of —.

Given under our hands this — day of —, A. D. 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

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## No. 2.

Form of order organizing a joint school-district.

It is hereby ordered and determined that [*here describe the territory by sections and parts of sections*] shall hereafter constitute a school-district, to be known as Joint School-District No. — of the towns of [*here insert the names of all the towns in which any portion of the district is situated.*]

Given under our hands this — day of — A. D. 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.  
G. H. } Supervisors  
I. J. } of the town  
K. L. } of —.

NOTE.—The above order must be signed by at least two supervisors from each town affected by it, and it must be filed with the town clerk of each town.

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## No. 3.

Form of notice for the first meeting of a school-district, to be delivered by the town supervisors to a taxable inhabitant of the district.

Having, on the — day of —, 13—, formed a new school-district, to be known as school district No —, of the town of — [or

*joint school-district No. — of towns of — and — in case it be a joint district*] comprising the following territory: [*Here insert the description of the district as in form No. 1*], you are hereby directed to notify every qualified voter of said districts to attend the first town meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the | —noon, by reading this notice in the hearing of each such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting.

Dated at —, this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

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No. 4.

Form of notice for first meeting, to be left at the residence of a voter when absent.

To A. B.:

By direction of the supervisors of the town of —, you are hereby notified that the first meeting of school-district No: — of —, recently formed, will be held at the house of —, in said district, on the — day of —, 18—, at — o'clock in the — noon. Your attendance is requested.

(Signed.)

G. H.

*Person appointed to give notice.*

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No. 5.

Form of return to be endorsed upon notice received from town supervisors, on the formation of a school-district.

I hereby certify that I have notified the following named persons [*Here give the names in full,*] personally, and the following named persons [*Here insert names,*] by copy, according to the direction of the within notice.

Dated this — day of —, 18—.

(Signed.)

G. H.

*Person appointed to give notice.*



## No. 6.

Form of notice for a meeting of a school-district, is to be delivered by the town supervisors, to a taxable inhabitant, in case there is no officer to call a meeting.

To A. B., a taxable inhabitant of School-District No.—, of —.

You are hereby directed to notify every qualified voter of School District No. —, of —, to attend a meeting thereof, which is hereby appointed to be held at the house of —, in said district, on the — day of — 18—, at — o'clock in the — noon, by reading this notice in the hearing of such voter, or in case of absence from his place of residence, by leaving thereat a written notice of the time and place of such meeting, at least five days before the time appointed for such meeting. The following is a description of said district: [*Here describe the district as in form No. 1.*]

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—If it is a joint district, the notice must be signed by the supervisors of each town in which any part of the district lies.

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 No. 7.

Form of acceptance of office by district officers elected at the first meeting after the formation of a district, to be filed with the district clerk.

I hereby signify my acceptance of the office of —, of school-district No. —, in the town of —, to which I have been elected.

Dated this — day of —, 18—.

(Signed.)

G. H.

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 No. 8.

Form of notice to be given to the district clerk when alteration of the boundaries of a district is contemplated.

To C. D., clerk of school-district No.—, of town of —:

You will take notice that we shall be present at [*Here mention the place*] on the — day of —, 18—, at — o'clock in the — noon, to hear and decide upon certain proposed alterations of the boundaries of said school-district.

Dated this — day of —, 18—.

(Signed.)

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —

NOTE.—In case of a joint district the above notice must be signed by a majority of the supervisors of each town, a part of which is embraced in the district or districts to be affected by the proposed alteration.

## No. 9.

Form of order altering the boundaries of a school-district.

It is hereby ordered and determined that the [*Here describe the territory by sections and parts of sections*] now part of school-district No. —, of the town of —, be, and hereby is taken from said school-district, and attached to and make a part of school-district No. —, of said town, for all purposes whatsoever.

This order will take effect on the — day of —, 18—.

Given under our hands this — day of —, 18—.

A. B. } *Supervisors*  
C. D. } *of the town*  
E. F. } *of —.*

NOTE 1.—The above order must be filed with the town clerk and the district clerk, and in case of a joint district the order must be signed by a majority of the supervisors of each town, a part of which is embraced in the district, and filed with the town clerk of each town, and the district clerk of each district affected by the alteration.

NOTE 2.—The board of each district affected by the alteration, should indorse their consent on the order, as follows:

We hereby consent to the alteration made in school-district No. —, of the town of —, agreeably to the within order of the town supervisors of said town.

G. H., Director, } *Of said school-district*  
E. F., Treasurer, } *No. — of the town*  
C. D., Clerk, } *of —.*

NOTE.—When such consent is not indorsed upon the order, it will not take effect until three months from its date.

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 No. 10.

Form of order of town supervisors awarding proportion of value of property to new district.

*To the district clerk of school district No. — of the town of —:*

Having formed a new school district. No. —, of the town of —, in part [*or wholly*] from the territory of your district, we have ascertained and determined the proportion of value of the school-house and other property justly due to such new district from your district, retaining such school-house and other property, to be — dollars. You are, therefore, to raise and collect by tax, upon the taxable property of your district, the said sum of — dollars, and when collected pay the same to the treasurer of said new district.

Given under our hands this — day of —, A. D., 18—:

E. F. } *Supervisors*  
C. D. } *of the town*  
A. B. } *of —.*

NOTE—In case of a joint district the above notice must be signed by a majority of the supervisors of each town embraced, in part, in the district.

## No. 11.

Form of notice for annual district meeting.

Notice is hereby given to the qualified electors of school-district No. —, of the town of —, that the annual meeting of said district for the election of officers and the transaction of other business, will be held at —, on the last Monday, being the — day of September, [*or August*] at 7 o'clock in the afternoon, [*unless some other hour was determined upon by the district at the previous annual meeting.*]

Dated this — day of —, 18—.

C. D.,  
*District Clerk.*

NOTE.—The above notice must be affixed to the outer door of the school-house, if there be one in the district, and must be posted up in at least three other public places, at least six days before the time appointed for the meeting.

## No. 12.

Form of notice for an adjourned district meeting, when such meeting has been adjourned for a longer period than one month.

Notice is hereby given, that a meeting of the qualified electors of school-district No. —, in the town of —, will be held at —, in said district, on the — day of —, 18 —, at — o'clock in the — noon, pursuant to adjournment.

Dated this — day of —, 18—.

C. D.,  
*District Clerk.*

NOTE.—The foregoing must be posted the same as for the annual meeting.

## No. 13.

Form of request for clerk to call a special district meeting.

To A. B., clerk of school-district No. —, of the town of —:

SIR—You are hereby requested to call a special meeting of the above district on the — day of —, 18—, at — o'clock in the — noon, for the purpose of, [*here state the business to be transacted.*]

(Signed.)

A. B.  
C. D.  
E. F.  
G. H.  
I. J.

NOTE.—The above notice must be signed by at least five legal voters.

## No. 14.

Form of notice for special district meeting.

Notice is hereby given to the qualified electors of school-district No. —, in the town of —, that a special meeting of said district will be held at —, on the — day of —, 18—, at — o'clock in the —noon, for the following objects: [*Here particularly specify each item of business to be acted upon.*]

(Signed.)

C. D.,  
District Clerk.

NOTE.—The above must be posted as for an annual meeting, and in case it is intended to raise a tax, three-fourths of the legal voters must be personally notified of the meeting, or a copy of the above notice must be left at their places of residence, at least six days before the time appointed for the meeting.

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No. 15.

Form of notice to town supervisors of action of a district meeting in reference to the formation of a union district.

*To the board of supervisors of the town of —:*

At the annual meeting held in district No. —, of said town on the — day of —, A. D. 18—, the qualified electors then present voted to unite with district No. —, in forming a union district for high school purposes, and the following are the names of the persons voting upon said proposition:

FOR THE UNION.  
A. B.  
C. D.  
etc.

AGAINST THE UNION.  
E. F.  
G. H.  
etc.

I hereby certify that the foregoing is a correct copy of the minutes of the annual meeting, so far as they relate to the matters therein set forth.

Dated the — day of —, 18—.  
(Signed.)

A. B.,  
District Clerk.

NOTE.—Two thirds of the qualified electors must vote in favor of the formation of a union district, or the action is void; and in case either of the districts so voting is a joint district, and the above notice must be served upon the supervisors of all the towns in which the district is situated.

## No. 16.

Form of order organizing a union high-school district.

Notice of the action of districts Nos. — and —, having been served upon us according to law, it is hereby ordered and determined that, [*Here describe the territory by sections and parts of sections,*] shall hereafter constitute a union district for high-school purposes, to be known as union district No. — of the town of —.

Given under our hands this — day of —, A. D. 18—.

A. B. } Supervisors  
C. D. } of the town  
E. F. } of —.

NOTE.—When the territory of the union district is situated in more than one town a majority of the supervisors of each town must sign the order, and a copy of it must be filed by the town clerk of each town in which the district lies.

## No. 17.

Form of appointment of first board of union district.

By virtue of authority vested in us, we hereby appoint A. B., director; C. D., treasurer; and E. F., clerk of union district No. —, of the town of —.

Given under our hands this — day of —, 18—.

A. B., } Supervisors  
C. D., } of the town  
E. F., } of —.

## No. 18.

Form of notice to be given by the clerk of a school-district meeting, to the officers elect who were not present at the meeting.

To — —:

You are hereby notified that a meeting of school-district No. —, in the town of —, held on the — day of —, 18—, you were duly elected — of said district.

Dated this — day of —, 18—.

(Signed.)

C. D.,  
Clerk of said meeting.

NOTE.—This notice is required to be given within five days after the meeting, and only to those persons elected to office who were not present at the time.

## No. 19.

Form of refusal to accept district office, to be filed with the clerk of the district.

To the clerk of school-district No. —, in the town of —:

You are hereby notified of my refusal to accept the office of — to which I was elected at the meeting of said district held on the — day of —, 18—.

(Signed.)

G. H.

NOTE.—This notice of refusal must be filed within ten days after the election, or the person will be deemed to have accepted the office, and be liable for non-performance of duty.

## No. 20.

Form of bond of district treasurer, to be filed with the district clerk.

Know all men by these presents, that we, E. F., treasurer of school-district No. —, of the town of —, and L. M., his surety, are held and firmly bound unto said school district in the sum of [*here insert a sum of double the amount to come into the treasurer's hands, as near as can be ascertained*] to be paid to the said school-district, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this — day of —, A. D., 18—.

The condition of the above obligation is such that if the said E. F., treasurer as aforesaid, shall faithfully discharge the duties of his office as treasurer of said school-district, and shall well and truly pay over to the person or persons entitled therein, upon the proper order therefor, all sums of money which shall come into his hands as treasurer of said district, and shall, at the expiration of his term of office, pay over to his successor in office all moneys remaining in his hands as treasurer aforesaid, and shall deliver to his successor all books and papers appertaining to his said office, then this obligation shall be void, otherwise of full force and virtue.

Signed, sealed, and delivered in }  
presence of R. S. }  
G. H. }

E. F. [SEAL]  
L. M. [SEAL]

Form of approval to be indorsed on the bond of treasurer.

We approve of the within bond and surety.  
(Signed.)

G. H.,  
*Director.*  
C. C.,  
*Clerk.*

## No. 21.

Form of notice to treasurer to furnish additional security.

To A. B., treasurer of school district No.—:

SIR—Deeming the security upon your bond insufficient to protect the district against loss, we hereby require you to furnish a new bond in the sum of \$—, with sureties to be approved by us, within ten days of the date hereof.

Dated this — day of —, 18—,  
(Signed.)

C. D.,  
Director.  
E. F.  
Clerk.

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 No. 22.

Form of order on treasurer for moneys to be disbursed by school district.

To A. B., treasurer of school district No. — in the town of —:

Please pay to — —, the sum of — dollars for [*here specify the object for which the money is to be paid,*] out of any money in your hands, not appropriated, belonging to the [*here name the fund on which the order is drawn*] of said district.

Dated this — day of —, 18—.  
(Signed.)

C. D.,  
District Clerk.  
G. H.,  
Director.

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 No. 23.

Form of certificate to be attached to the proceedings of a district meeting, by the person acting as clerk, in the absence of the district clerk.

I hereby certify that the foregoing is a correct and complete record of the proceedings of [*the annual or special meeting, as the case may be.*] held in school district No. —, of the town of —.

(Signed.)

A. B., Clerk, *pro tem.*

## No. 24.

Form of contract between district and teacher.

It is hereby agreed between school-district No.— of the town of —, and L. M., a qualified teacher of the town of —, that the said L. M. is to teach the common school of said district for the term of [*here insert the time,*] for the sum of — per month, commencing on the — day of —, 18—, it being understood and agreed that — days' teaching shall constitute a month, and that on Saturday there shall be [*insert "no school taught," or otherwise, as may be agreed,*] and for such services, properly rendered, the said district is to pay to the said L. M., the amount that may be due, according to this contract, on or before the — day of —, 18—.

Dated this — day of —, 18—.

A. B., *Director,*  
C. D., *Treasurer,*  
E. F., *Clerk,*  
L. M., *Teacher.*

NOTE.—In case the teacher is employed in a graded school, the particular department for which he is engaged may be specified in the contract may read "— dollars per week," if hired by the week. When the teacher is hired by the month, it is best always to specify in the contract how many days of teaching shall be considered a month, and in all cases whether there shall be school on Saturday.

☞ The contract must be signed by at least two members of the board. (See section 42.)

☞ By chapter 39, of general laws of 1876, printed on page 143, of this code, it will be seen that 20 days now constitute a teachers' month, unless otherwise specified in the contract. When a teacher is hired at 20 days for a month, there should be no school on Saturday.

☞ All legal holidays count as school-days, for both teacher and district, if they come on a day when school would be taught.

☞ Forms 25 and 26, for reports of district clerks, are omitted.



Form of school register to be kept by the teacher of each school.

Upon the first page or pages of the register should appear the names, and studies of the several pupils, in manner as follows:

NAMES.	STUDIES.											
	Age.	Spelling.	Reading.	Writing.	Grammar.	Arithmetic.	Geography.	Physiology.	History.	Algebra.		
J. Brown .....	13	1	1	1	1	1	.....	.....	1	.....	.....	.....
S. Smith .....	12	1	1	1	.....	1	1	.....	.....	.....	.....	.....
W. Stone .....	9	1	1	1	.....	1	.....	.....	.....	.....	.....	.....
T. Talbot .....	7	1	1	1	.....	.....	.....	.....	.....	.....	.....	.....
J. Jones .....	16	1	1	1	1	1	1	1	1	.....	.....	.....
W. Jones .....	18	1	1	1	1	1	1	1	.....	1	.....	.....
S. White .....	16	1	1	1	1	1	.....	1	.....	.....	.....	.....
R. Mace .....	15	1	1	1	1	1	.....	.....	.....	.....	.....	.....
S. Tallman .....	10	1	1	1	.....	1	.....	.....	.....	.....	.....	.....
W. Bright .....	11	1	1	1	.....	1	1	.....	.....	.....	.....	.....
E. Thorn .....	9	1	1	1	.....	.....	.....	.....	.....	.....	.....	.....
W. Jack .....	17	1	1	1	1	1	1	1	.....	.....	.....	.....

Other studies than those noted may be inserted in the blank columns.

Following this will be found the daily register of attendance, in form as follows:

Daily register of school taught in district No. —, of — for the term of — months, commencing — 187—.

This mark (/) indicates present in the forenoon; this (\) present in the afternoon; this, (X) present all day.

	AGE.	M.	T.	W.	TH.	F.	S.
S. Brown.....		X	X	\	X	\	....
S. Smith.....		X	X	X	X	X	X
W. Stone.....		\	\	X	X	\	...
S- Talbot.....		/	\	....	\	\	....
J. Jones.....		X	X	X	Y	\	....
W. Jones.....		X	/	X	X	X	X
S. White.....		X	....	X	\	X	....
R. Mace.....		\	X	\	\	....	....
J. Tallman.....		X	....	/	....	X	/
W. Bright.....		/	X	X	X	X	\
E. Thorn.....		X	/	X	....	X	/
W. Jack.....		X	X	Z	/	X	/
Attendance .....		10	8½	9	8½	9½	5

NOTE.—The age of the pupil should be taken when the name is registered, The figures at the bottom of the column show the actual number of days' attendance for that particular day. Each night the teacher should foot the column for the day, placing the number of days' attendance in figures at the bottom. The sum of these numbers for the several days' of the term will give the day's attendance for the term, and the average attendance is found by dividing this sum by the whole number of days the school has been taught. The average attendance for a week or a month is found in the same manner.

If, on the other hand, the teacher prefers to mark absences, it may appear thus: (/) indicates absence in the forenoon; (\) absence in the afternoon; (X) indicates absence all day. The record will then appear in the form represented below, and the blanks will be counted instead of marks.

	M.	T.	W.	TH.	F.	S.
J. Brown.....			\	....	\	X
S. Smith.....						....
W. Stone.....		/	\	....	\	....
T. Talbot.....		\	....	X	\	X
J. Jones.....					\	X
W. Jones.....			\			....
S. White.....			X	\		X
R. Mace.....		/		\	X	X
J. Tallman.....			X	\	X	/
W. Bright.....		\				\
E. Thorn.....			/	....	X	\
W. Jack.....				/	\	/
Attendance.....		10	8½	9	4½	9½

NOTE.—It is very desirable that each district in the State be fully and accurately reported. If one district in a town fails to report this item, the whole town suffers from this failure, in comparison with other towns that may be fully reported.

That the register be neatly kept, it will be the best for the teacher to use a small blank book, in which may be registered the absences for the day, and then at night the register may be properly filled and footed.

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No. 28.

Form of a deed of a school-house site.

Know all men by these present, that A. B. [*and C. B. his wife, if married.*] of the town of —, in the county of —, in the State of Wisconsin, party of the first part, for and in consideration of the sum of — dollars to them in hand paid by the district board of "school district No. —, of the town of —," county of —, and State aforesaid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey to the said school district, party of the second part, and their assigns, the following described piece of land namely: [*here insert description of land.*] Together with all the privileges and appurtenances thereunto belonging. To have and to hold the same to the party of the second part, and their assigns forever; and the said party of the first part, for themselves, their heirs, executors and administrators, do covenant, bargain, and agree, to and with the said party of the second part, and their assigns, that at the time of the sealing and delivery of these presents, they are well siezed of the premises above conveyed, as of a good, sure, perfect, absolute, and indefeasible estate of inheritance in the law in fee simple, and that the said lands and premises are free from all incumbrances whatsoever; and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, and their assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, the said party of the first part will forever warrant and defend.

In witness whereof, the said A. B. and C. B., his wife, party of the first part, have hereunto set their hands and seals, this — day of —, A. D., 18—.

Signed, sealed, and delivered )  
 in presence of            E. F. )  
    G. H. )

A. B. [SEAL.]  
 C. B. [SEAL.]

NOTE.—Such deed should be duly acknowledged before a notary public, justice of the peace, or other officer authorized by law to take such acknowledgment, and recorded in the office of the register of deeds for said county.

## No. 29.

Form of lease.

Know all men by these presents, that A. B., of the town of —, in the county of —, in the State of Wisconsin, of the first part, for the consideration herein mentioned, does hereby lease unto "School-district No. —, of the town of —," county of —, in the State aforesaid, party of the second part, and their assigns, the following described parcel of land: [*Here insert description of land.*] Together with all the privileges and appurtenances thereunto belonging: To have and to hold the same for and during the term of — years from the — day of —, A. D. 18 —; and the said party of the second part for themselves and their assigns, do covenant and agree to pay to said party of the first part, for said premises, the annual rent of — dollars.

In testimony whereof, the said parties have hereunto set their hands and seals, this — day of —, 18 —.

A. B., *Lessor*, [SEAL.]  
 C. D., } *District board of school-district*  
 E. F., } *No. —, of the town of —.*  
 G. A., }

## No. 30.

Form of an appointment to fill a vacancy in the district board.

To A. A.—:

The office of [*clerk, director, or treasurer,*] of school-district No. —, of the town of —, having become vacant, you are hereby appointed to fill such vacancy until the next annual meeting in said district.

Dated this — day of —, 18 —.

(Signed.)

G. H.,  
*Director.*  
 E. F.,  
*Treasurer.*

NOTE.—It requires two members of the board to make an appointment. If they neglect for ten days to fill the vacancy, it must be done by the town clerk, after the following form: In either case the appointment must be filed with the district clerk.

## No. 31.

To A. B:

The office of [*clerk, director or treasurer,*] of school-district No.

— of the town of —, having become vacant, and the district board of said district having failed to fill the same within ten days, you are hereby appointed to fill such vacancy until the next annual meeting of said district.

(Signed.)

C. D.,  
Town Clerk.

NOTE.—In case a vacancy in a joint-district is to be filled by the town clerk, the appointment is made by the clerk of the town containing the school-house, but must be endorsed by the other clerks. (See Sec. 50.)

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No. 32.

Form of refusal to accept a district office or appointment.

*To the district board of school-district No.—, [or the town clerk as the case may be,] of the town of —:*

You are hereby notified of my refusal to accept the office of —, of school-district No.—, of said town, to which I was appointed by you on the — day of —, A. D. 18 —.

Dated this — day of —, 18 —.

(Signed.)

G. H.

NOTE.—The notice of refusal must be filed with the clerk or director within five days after the appointment, or the person shall be deemed to have accepted the office, and be liable to a fine for non-performance of duty.

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No. 33

Form of certificate of town treasurer of moneys in his hands subject to apportionment.

*To the town clerk of the town of —:*

I hereby certify that there is now in my hands the sum of \$—, school moneys, subject to apportionment to the school-districts entitled thereto.

Dated this — day of —, 18 —.

(Signed.)

A. B.,  
Town Treasurer.

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Form 34, for town clerk's report to county superintendents, is omitted.

No. 35.

Form of notice to town treasurer of apportionment of school moneys by the town clerk.

*To the treasurer of the town of —*

You are hereby notified that I have apportioned the school moneys now in your hands, to the different districts of the town, as follows:

To district No. 1	..... \$.....	To district No. 6	..... \$.....
.....do.....2	.....	.....do.....7	.....
.....do.....3	.....	To joint..do 1	.....
.....do.....4	.....	.....do.....2	.....
.....do.....5	.....	.....do.....3	.....

NOTE.—Immediately upon the receipt of the certificate of the treasurer, of the amount in his hands, the clerk shall proceed to apportion it among the several districts of the town from which reports have been received according to law, and thereupon he will notify the treasurer as above, that he may pay the moneys to the treasurers of the districts entitled to the same.

No. 36.

Form of report of town clerk to the county superintendent, of the names and post-office addresses of the district clerks in his town.

*To the county superintendent of schools of the county of —.*

SIR:—I hereby report to you the names of the school-district clerks in the town of —, and their addresses, as follows:

Districts.	Name of clerk.	Post-office.
No. 1.....	A. B.....	.....
No. 2.....	C. D.....	..... do.....
No. 3.....	E. F.....	..... do.....
No. 4.....	G. H.....	..... do.....
No. 5.....	I. K.....	..... do.....
No. 6.....	L. M.....	..... do.....
Joint No. 1.....	N. O.....	..... do.....
2.....	P. R.....	..... do.....
3.....	S. T.....	..... do.....

(Signed.)

A. W.,  
*Town Clerk.*

NOTE.—The town clerk must report his own name and post-office to the county superintendent within ten days after his, the said clerk's election or appointment, and the name and office of each district clerk in his town, within ten days after the filing of the same in his office.

## No. 37.

Form of statement of the amount of taxes voted to be raised in a school-district, to be delivered by the district clerk to the town clerk.

To R. S., Town Clerk of the Town of —:

The amount of taxes voted to be raised in school-district No. —, of the town of —, at the last annual meeting of said district, held on the — day of September, 18—, is [*write the amount in words*] dollars; which amount you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corporations liable to a school-district tax in said district: [*Here insert the names of the persons and corporations.*]

Dated this — day of —, 18—.

(Signed.)

C. D.,

Clerk of school-district No. —, of the town of —.

NOTE.—If the district has been lately organized and a tax was voted at the first meeting, as well as the annual meeting, that should be stated; also any tax voted at a special meeting, held between the time of the annual meeting and the first Monday of November following.

STATE OF WISCONSIN, County of —, ss.

C. D., being duly sworn, on oath says that he is the clerk of school-district No. —, of the town of —, and that the above statement by him made of the amount of taxes voted to be raised in said school-district, and the list of persons and corporations liable to a school-district tax therein, are true.

(Signed.)

C. D.

Subscribed and sworn to before me this — day of — 18—.

(Signed.)

J. P.,

Justice of the Peace.

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No. 38.

Form of statement of the amount of taxes voted to be raised in a joint district, to be delivered to the clerk of each town in which any part of the district is situated.

To R. S., of the town of —:

The amount of taxes voted to be raised in joint school-district No. —, of the towns of — and —, at the last annual meeting of said district, held on the — day of September, 18—, is [*write the amount in words*] dollars; and the proportion of that amount to be raised in that part of said district, which lies in the town of — is [*write the amount in words*] dollars, which you are requested to assess upon the taxable property therein.

The following is a list of the names of the persons and corpora-

tions liable to a school-district tax in that part of the district lying within the town of — [here insert the names of the persons and corporations.]

(Signed.)

C. D.,  
Clerk of joint school-district No. —,  
Of the towns of — and —.

NOTE.—Attach affidavit of the district clerk similar to the one given in form No. 37.

No. 39.

Form of tax list to be made by the district clerk for the collection of a tax voted at a special meeting, held between the first Monday of November and the time of the annual meeting in the following year:

*Tax-List.*

Names of persons.	Description of real estate	Value of real estate.	Amount of personal property	Total value of property.	Amount of tax
A. B.....	se qr sec 23 .....	\$900 00	\$100 00	\$1,000 00	\$25 00
C. D.....	e hf se qr sec 17 .....	500 00	.....	500 00	12 50
E. F.....	nw qr of se qr of sec 9	200 00	50 00	250 00	6 25

I do hereby certify that I have set down in the above tax-list all the real estate situated in district No.—, of the town of — county of —, and state of Wisconsin, liable to be taxed, according to my best information, and that with the exception of those cases in which the valuation has been otherwise fixed pursuant to law, I have estimated the same at what I believe to be the true cash value thereof; that the said tax-list contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said list, as nearly as I could ascertain the same.

Given under my hand, this — day of —, 18—.

A. B.,  
Clerk of district No.—, town of —.



## No. 40.

Form of a warrant annexed to assessment roll by district clerk, for the collection of taxes levied at special district meeting.

*The State of Wisconsin to the treasurer of district No.—, of the town of —, county of —:*

You are hereby commanded to collect from each of the persons and corporations named in the annexed tax-list, and of the owners of the real estate described therein, the taxes set down in such list opposite to their respective names, and to the several parcels of land therein described; and within ten days from the date of this warrant, personally demand such tax of the persons charged therewith in such lists, if they be found within your town; and if any such tax shall not be paid within said ten days, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so collected you are to retain as treasurer of the aforesaid district, subject to the order of the district board; and you are further required to make return to said district board of this warrant, with said list annexed, within forty days from the date thereof, together with your doings thereon, as provided by law.

Given under my hand this — day of —, in the year 18—.

A. B.,  
Clerk of district No. —, town of —.

NOTE.—The above warrant may be renewed by the clerk for thirty days, and with the consent of the town clerk, for a longer period. See form No. 43.

## No. 41.

Form of return of unpaid taxes.

*To the town clerk of the town of —:*

SIR:—A special district tax having been levied in school-district No. —, and assigned to me to collect, I hereby report to you the tax on the following lots and parcels of land as unpaid, and that after making dilligent efforts I have been unable to collect the same:

Name of owner.	Description of land.	Value.	Amt. of tax.
A. B.....	ne qr sec. 15.....	400 00	10 00
C. D.....	e hf of nw qr section 12.....	160 00	4 00

E. T.,

*Treasurer district No. —*

Subscribed and sworn to this — day of —, A. D., 18—, before me.

G. H.,  
*Justice of the Peace.*

## No. 42.

Form of certificate of unpaid taxes.

I hereby certify that the sum of \$—, unpaid special district tax has been this day returned to me for collection. by E. F., treasurer of school-district No. —.

Dated this — day of —, 18—. A. B.,  
*Town Clerk of town of —.*

NOTE.—The treasurer must deposit the above certificate with the district clerk who will file and preserve it.

## No. 43.

Form of renewal of warrant by the district clerk, to be endorsed upon said warrant.

I hereby renew the within warrant for thirty days.

(Signed.)

A. A.,  
*District Clerk.*

NOTE.—If it shall be necessary to renew the warrant for a longer period than thirty days, the town clerk must endorse his consent to such renewal upon the warrant as follows:

I hereby consent to a second renewal of the within warrant.

(Signed.)

C. D.,  
*Town Clerk.*

## No. 44.

Form of determination of relative proportion of taxes to be assessed upon the different parts of a joint district, situated in two or more towns.

Upon the application of A. B., C. D., and E. F., tax-payers in joint school-district No. —, of the towns of — and —, we have made the necessary inquiry and examination, and do hereby determine that for every dollar of district tax to be hereafter levied upon that portion of the district the sum of — cents shall be assessed upon that portion of the district lying in the town of —, and — cents upon that part lying in the town of —.

Dated this — day of —, 18—.

G. H.,	}	<i>Assessors</i>
J. K.,		<i>of</i>
L. M.,	}	—
N. O.,		<i>Assessors</i>
P. R.,	}	<i>of</i>
S. T.,		—

NOTE.—If the assessors cannot agree, and the supervisor or supervisors and a chairman of an adjoining town are called to act, they will also sign the above. (See section 75.)

## No. 44.

Form of application to board of supervisors to establish a school-house site.

*To the board of supervisors of the town of—*:

At a regular meeting of school-district No.—, it was decided by a vote of a majority of the electors present, to apply to your honorable board to establish a school-house site for said district. The district has selected [*here describe the location of the site selected,*] but is unable to obtain the same, for the reason that the owner of the land selected, will neither lease nor sell the same to the said district [*or that the owner is a non-resident.*]

(Signed.)

A. B.,  
District Clerk.

---

 No. 46.

Form of certificate of district clerk that the notice for the meeting of the supervisors to establish a school-house site has been given.

*To the board of supervisors of the town of —* :

I hereby certify that on the — day of —, I served the following notice upon the owner and occupant of the land therein described. [*Here insert the notice in form 47.*]

Dated this — day of —, 18—.

(Signed.)

A. B.,  
District Clerk.

NOTE.—In case there is no occupant of the lands selected for a site, and the owner is unknown or resides out of the State, the notice must be published in the nearest newspaper, for six weeks previous to the meeting of the board of supervisors, and the above certificate must state the facts of such publication, instead of personal service.

---

Form of notice for meeting of supervisors to decide upon an application to locate a school-house site.

*To all whom it may concern :*

The undersigned will be present at — on the — day of —, at — o'clock in the — noon, to decide upon the application of school-district No. — for the location and establishment of a school-house site for said district upon [*here describe the lands upon which it proposed to erect the site.*]

Given under our hands this — day of —, 18—.

(Signed.)

A. B., } Supervisors  
C. D., } of the town  
E. F., } of —.

NOTE.—In case the application is made by a joint district, the supervisors of all the towns in which any part of the district is situated, must sign the above notice and be present at the meeting to locate the site.

## No. 48.

Form of certificate of action of town board of supervisors in locating and establishing a school-house site.

We hereby certify that on the — day of —, A. D. 18—, we located and established a school-house site for school-district No. —, comprising the following described territory, [*here describe the lands taken for a site according to the survey of the same,*] and award the sum of — dollars in full as compensation to the owner [*if there are two or more owners of the lands taken, specifying the amount awarded to each,*] of the lands thus taken for said school-house site.

Dated this — day of —, A. D., 18—

(Signed.)

A. B., } *Supervisors of*  
C. D., } *the town of*  
E. F., } —.

NOTE.—The certificate of the action of town board of supervisors in locating and establishing an *addition* to a school-house site, will be the same as above, except that in the second line after the word, “established,” the word, “a” will be omitted and the words, “an addition to the” will be inserted; and the last two lines will be made to read: “taken for said addition to said school-house site.”

☞ Duplicates of the above certificates must be made out, and one of them must be delivered to the owner or occupant of the land taken, and the other to the district clerk of the district, who must have the same recorded in the office of the register of deeds of the county in which the site is situated.

---

 No. 49.

Form of certificate of the board of supervisors of a vacancy in the office of county superintendent of schools.

*To State Superintendent of Public Instruction:*

SIR:—I hereby certify that a vacancy in the office of county superintendent of schools occurred on the — day of —, 18—, by [*here state the cause of the vacancy, whether by death, resignation, removal from the county, or the removal from office of the incumbent.*]

Given under my hand and seal of office, this — day of —, A. D. 18—.

(Signed.)

A. B.,  
*Clerk of the board of supervisors of — county.*

No. 50.

Form of certificate of a county clerk of the division of a county into two superintendent districts, and of a consequent vacancy in the office of county superintendent of schools.

To ———, *State Superintendent of Public Instruction:*

SIR:—I hereby certify that on the ——— day of ———, 18—, the board of supervisors of the county of ———, divided said county into two superintendent districts; that they have determined that the present county superintendent shall have jurisdiction of district No. —, and that district No. — therefore remains vacant.

Given under my hand and seal of office, this ——— day of ———, A. D. 18—.

(Signed.)

A. B.,  
*County Clerk of ——— county.*

—  
No. 51, Report of county superintendent is omitted.

No. 52.

Form of statement of number of children of school-age in a county, made by county superintendent for county treasurer.

To A. B., *treasurer of the county of ———:*

SIR:—The following is the number of children over the age of four and under the age of twenty years, in those districts of the several towns in this county [*or superintendent district, as the case may be*] which have maintained school for five or more months the past school-year, as returned to me by the town clerks:

Town.	Number of children.	Town.	Number of children.
A .....	.....	D.....	.....
B .....	.....	E.....	.....
C .....	.....	F.....	.....

Dated this 10th day of October, A. D. 18—.

G. H.  
*County superintendent of schools for ——— county.*

NOTE.—The above statement must be filed with the county treasurer on or before the 10th day of October in each year.

## No. 53.

Form of notice to teacher and district clerk of the intention of the county superintendent to annul said teacher's certificate.

*To A. B., teacher in school-district No. —, town of —:*

SIR:—You are hereby notified that it is my intention to annul the certificate of qualifications now held by you as a teacher.

C. B.,  
*County superintendent of schools for — county.*

*To E. F., clerk of school-district No. —, of the town of —.*

SIR:—You are hereby notified that it is my intention to annul the certificate of qualifications held by — —, now employed in teaching your district.

Dated this — day of —, 18—.

*County superintendent of schools for — county.*

NOTE.—The above notice must be served upon the teacher and district clerk at least ten days before the certificate is annulled.

---

 No. 54.

Form of annulment of a teacher's certificate and notice to town clerk.

*To A. B.:*

SIR: The certificate of qualification held by you as a common-school teacher in the town [or county] of —, issued on or about the — day of —, 18—, is hereby annulled.

Dated this — day of —, 18—.

(Signed.) C. D.,  
*County superintendent of schools for — county.*

NOTE.—The above annulment will not take effect till the following notice has been filed with the town clerk of the town in which the teacher whose certificate is annulled, is engaged in teaching.

*To the town clerk of the town of —:*

SIR: You are hereby notified that on the — day of —, A. D. 18—, I annulled the certificate of qualification held by A. B., a teacher of your town, for the reason that, in my opinion, the said A. B. does not possess the requisite qualifications as a teacher in respect to [moral character, learning, or ability to teach, as the case may be.]

Dated this — day of —, 18—.

(Signed.) C. D.,  
*County superintendent of schools for the county of —.*

## FORMS FOR APPLICATION FOR DICTIONARIES.

## No. 55.

Form of application for first supply of a school-district.

STATE OF WISCONSIN, *county of* —, ss.

—, being duly sworn, deposes and says that district No. —, in the town of —, county of —, has never been supplied with Webster's Unabridged Dictionary, by the state, as provided by law.

—, *District Clerk.*  
Post office —.

Sworn and subscribed to before me, }  
this — day of —, 18—. }  
—, }  
—, }

Send by express to —, care of — — —.

—

## No. 56.

Form of application for dictionaries in graded schools.

STATE OF WISCONSIN, — *County*, ss.

—, being duly sworn, deposes and says, that the following department — in district No. —, in the — of —, in the county of —, has never been furnished with Webster's Unabridged Dictionary by the State, as provided for by law; departments unsupplied, —; departments heretofore supplied, —.

—, *District Clerk.*  
Post-office —.

Sworn to and subscribed before me, }  
this — day of —, 18—. }  
—, }  
—, }

Send by express to —, care of — — —.

Form of application for supply of additional departments in cities.

STATE OF WISCONSIN —, *County*, ss.

—, being duly sworn, deposes and says, that the public schools in the city of —, county of — embraces — distinct departments, in as many different rooms (not including recitation rooms), under different teachers, and that the following departments in said schools have never been supplied with Webster's Unabridged Dictionary, as provided by law.

Departments unsupplied.	Departments heretofore supplied.
.....	.....
.....	.....
.....	.....
.....	.....

Subscribed and sworn to before me, this — day of —, A. D. 18—.

\_\_\_\_\_,  
*City Superintendent.*

Post office —.

Send by express to —, care of—.

\_\_\_\_\_

Form of application for dictionaries by the secretary of a town board.

STATE OF WISCONSIN—*County of* —, ss.

—, being duly sworn, deposes and says that the following sub-district — in the town of —, county of —, has never been supplied with Webster's Unabridged Dictionary, as provided by law: sub-districts unsupplied, —; sub-districts heretofore supplied, —.

\_\_\_\_\_,  
*Secretary of town board of directors.*  
Post-office —.

Sworn to and subscribed before me, }  
this — day of —, 187—. }  
\_\_\_\_\_, }  
\_\_\_\_\_. }

Send by express to —, care of —.



## No. 59.

Form of application for re-supply, when dictionary previously furnished is lost.

STATE OF WISCONSIN, — County — ss.

— — being duly sworn, deposes and says that district No. — in the town of —, county of —, has lost, by —, the copy of Webster's dictionary heretofore furnished to said district by the State.

— —  
District Clerk.

Post office —.

Subscribed and sworn to before me, this — day of — A. D. 18—.

— —,  
— —.

Send by express to —, care of — —.

— —  
No. 60.

Form of application for re-supply when dictionary previously furnished is worn out.

STATE OF WISCONSIN, — County—ss.


— —, being duly sworn, deposes and says that the dictionary heretofore furnished to district No. —, in town of —, county of —, is so worn out as to be unfit for use.


— —,  
District Clerk.

Subscribed and sworn to before me, this — day of —, A. D. 18—.

— —,  
— —.

Send by express to —, care of — —.

 The two last forms above can be altered to suit circumstances, in case the application for a re-supply is for a graded school in a city or village.

 Dictionaries are not furnished free for a re-supply, but at the cost to the State. Those now on hand cost \$3. The money or a money-order, or a draft, must in all cases accompany the application. It is better to send a money-order or draft.

Applications for dictionaries must be made by the district clerk, the secretary of the town board, or the superintendents of the schools in a city or incorporated village, and the post-office of the applicant should be given as well as the nearest express station. Dictionaries cannot be sent by mail.

---

## FORMS FOR APPLICATIONS FOR CONSTITUTIONS.

### No. 61.

Form of application for a district school.

*To the Superintendent of Public Instruction:*

SIR:—Please send to me, for the use of —\*school-district No.— of the town of —, county of —, — copies of the “Constitution of the United States and of the State of Wisconsin,” as prepared for use in common schools, said district never having been supplied.

— — —,  
*District Clerk.*  
 Post-office, —.

Send by express to —, care of —.

NOTE.—A district is entitled to not more than six copies on first application. The books are designed for advanced pupils only.

\* The word “joint” or “sub-” to be inserted here, if necessary; and in the latter case, the application will be signed by the secretary of the town board.

---

### No. 62.

Form of application for a graded school.

*To the Superintendent of Public Instruction:*

SIR:—Please send to me, for the use of — department — of school-district No.— of the town of —, county of —, — copies of the “Constitution of the United States and of the State of Wisconsin,” as prepared for use in common schools, said department — never having been supplied.

— — —,  
*District Clerk.*  
 Post-office, —.

Send by express to —, care of —.

NOTE.—A graded school is entitled to six copies for each department, but the books are designed for the advanced pupils only, in the higher departments.

## FREE HIGH SCHOOLS.

No. 63.

Form of call for a special town meeting.

To ———, town clerk of the town of——, county of ——.

Sir: We the undersigned qualified voters of said town, respectfully request you to call a special town meeting to take action relative to the establishment of a Free High School in said town, in pursuance of chapter 322, of the general laws of 1875; also, in case such school shall be established, to raise a tax for the support of the same.

[Signers.]  
 \_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_.

[Signers.]  
 \_\_\_\_\_,  
 \_\_\_\_\_,  
 \_\_\_\_\_.

This call must be signed by at least twelve qualified voters of the town for a town meeting. In case it is desired simply to take a vote on question of establishing a high-school, the latter part of the call will of course be omitted. In case the call is for a special district meeting, it must be signed by at least five legal voters of the district, and the notice given at least six days before the time appointed.

—————  
 No. 64.

Notice of special town meeting.

Request having been made to me by —— qualified voters, notice is hereby given to the electors of the town of —— in the county of ——, State of Wisconsin, that a special town meeting will be held in said town at ——, on the —— day of ——, A. D. 187—, between the hours of —— o'clock in the ——noon, for the purpose of taking action relative to the establishment of a free high school in said town in pursuance of chapter 323, of the general laws of 1875, and that the vote thereon will be taken (*viva voce* or *by ballot*, see note,) at —— o'clock, in the —— noon of said day; also, that in case a majority of the electors present shall vote to establish such school, a vote will be taken on raising a town-tax to support the same.

\_\_\_\_\_  
 Town Clerk.

Dated this —— day of ——, 187—.

NOTE.—The town authorities will fill this blank with the words *viva voce* or with the words *by ballot*, as they shall judge proper, if the vote is ordered to be taken by ballot, it is not necessary to state the hour at which it will be taken. The electors when assembled may determine that it shall be by ballot, although the notice says *viva voce*.

The above forms may be used, with the proper changes, in the case of villages or single districts.

Form of special report of free high school to county superintendent.

*Special report of the free high school in —, in the county of —, for the year ending August 31, 1876.*

Whole number of pupils registered.....	.....
Average daily attendance.....	.....
Number of teachers employed.....	.....
Number of terms of high school.....	.....
Number of weeks of high school.....	.....
Number or pupils in common branches only.....	.....
Number of pupils in Algebra or Geometry.....	.....
Number of pupils in Natural Sciences.....	.....
Number of pupils in Modern Languages.....	.....
Number of pupils in Ancient Languages.....	.....
Amount received for tuition.....	.....
Amount actually expended in instruction.....	§.....

I — —, clerk of the board of the aforesaid free high school, being duly sworn, depose and say, that this report is true according to the best of my knowledge and belief, and that said free high school has been taught by a qualified teacher — weeks, during the year ending August 31, 1876.

C. D.,  
Clerk.

Sworn and subscribed before me this — day of —, 1876.

J. P.,  
Justice of the Peace.

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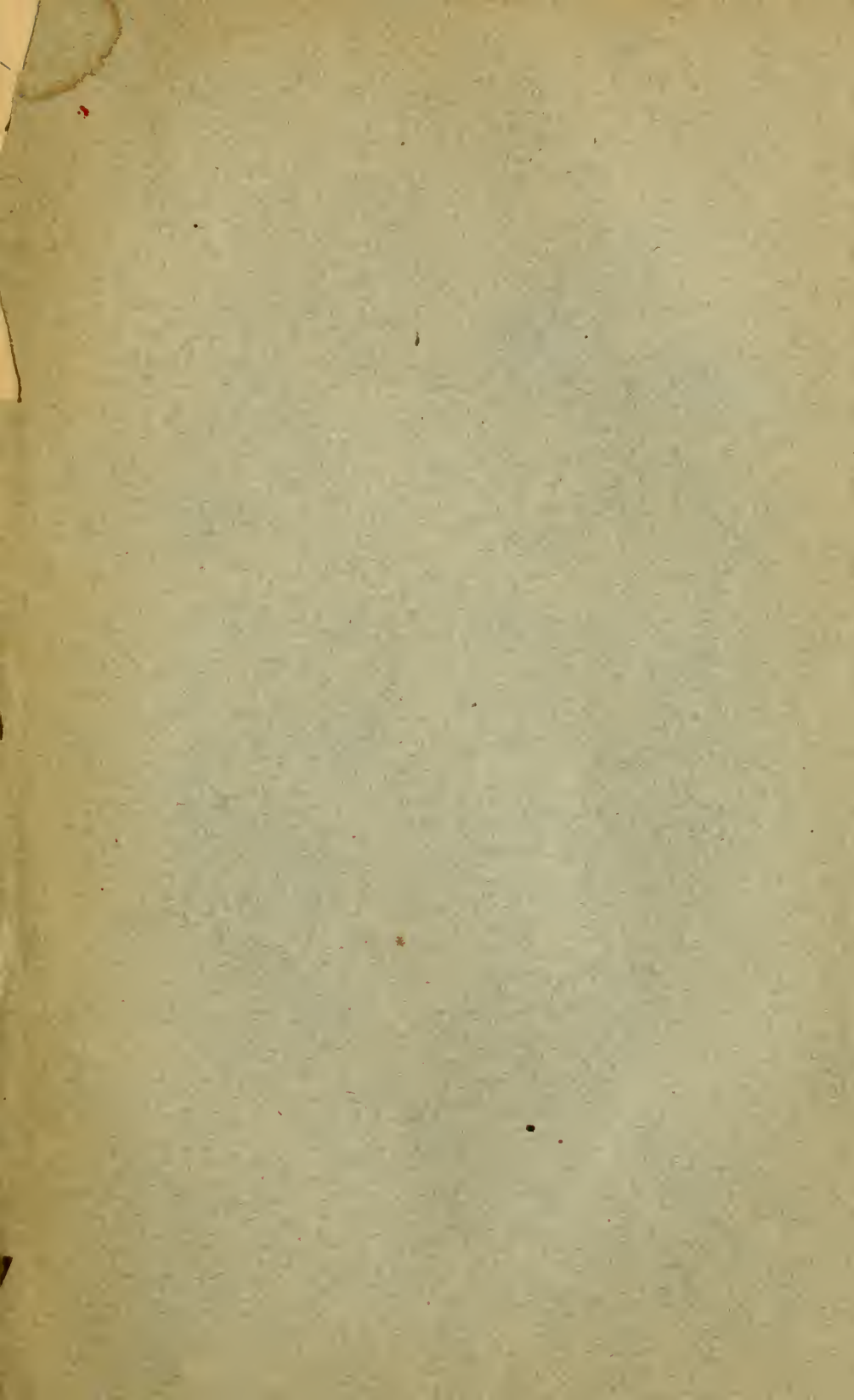
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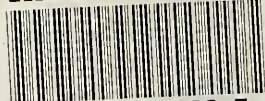
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